

## DEVELOPMENT CONTROL BOARD

11 June 2020

**Reference:** 19/01515/FUL

**Officer:** Steven Bell

**Location:** Littlebrook Power Station  
Rennie Drive  
Dartford  
Kent  
DA1 5PT

**Proposal:** Redevelopment of site to provide Class B8 (storage and distribution) uses and ancillary B1 uses with associated access, servicing, parking, landscaping, works to flood defence and riverside enhancements

**Applicant:** Bericote Properties Ltd

**Agent:** Barton Willmore/Lyndon Gill

**Parish / Ward:** Not Parished / Bridge

### RECOMMENDATION:

Grant, subject to conditions and a s106 legal agreement

### SITE DESCRIPTION

(1) The application comprises part of the former Littlebrook Power Station Site which is being developed in phases. The proposed development is located at the centre of this larger site and is Phase 2 of the overall development. To the east is Phase 1 which has been granted planning permission for redevelopment of the site to provide class B8 (storage and distribution) uses and ancillary class B1 use. What is likely to be Phase 3, the remainder of the former Littlebrook Power Station site, lies to the west and south-west of the application site. The power station site has been cleared and remediated under a separate permission. The power station chimney stack that was on the boundary between phase 2 and phase 3 has recently been demolished.

(2) The application site is bounded to the north by the foreshore to the River Thames. Further to the east of the wider site is the Dartford River Crossing and beyond this is Crossways Business Park. The application site lies approximately 2.5 km to the north of Dartford Town Centre.

(3) The wider site is bounded to the west by a Restricted By-Way (DB8) that runs from Rennie Drive and leads to the River Thames and this forms a divide between the western boundary of the Littlebrook power station site and Longreach Sewage treatment works further to the west. Immediately to the south of the application site is the storage/distribution warehouse known as 'Europa' although the western side of phase 2 extends further to the west than the boundary to this site.

(4) Further to the south and south-west of the application site is the Bridge residential area. This comprises approximately 1500 houses that were constructed on the site of the former Joyce Green Hospital site. The closest properties to the south and the south-west are both approximately the same distance from the proposed building being approximately 655m away being separate by other commercial properties and the national grid sub-station site with open space and lakes between the site and the properties to the south-west.

## THE PROPOSAL

(5) Planning permission is sought for re-development of the site to provide a Storage and Distribution (Class B8) development comprising of a single building including ancillary offices. The application also includes the provision of an access road, parking facilities for cars and HGVS, loading facilities, a bus turning cycle, landscaping in and around the site, an enhanced flood defence to 2100 standards and improvements to the river frontage, including an enhanced footpath linking to existing footpaths and Public Right of Way to the east and west of the site.

(6) The site area is approximately rectangular although the car park and access area extend further to the south and from this the site extends further to provide the main access road leading to Rennie Drive.

(7) The main building has a footprint of 56,554sqm at ground floor level with the majority of the building comprising the storage and distribution warehouse which has a footprint of 51,184sqm, the remainder being office and circulation space. On the western side of the building are offices with a gross external area of 3,490 sqm (GEA)/3,424 sqm gross internal area (GIA) and a further 1,880 sqm (GEA) of space within the stairwell and hubs. A further 1,622 sqm (GEA)/1,554 sqm (GIA) of office and welfare accommodation is provided at first floor level, in addition to 3 further internal mezzanine levels of warehouse space, each comprising an additional 51,184 sqm (GEA) with additional associated circulation and Hub space. Accordingly, the total GEA of the warehouse is 204,736 sqm. The total GEA of the building is 217,268 sqm. In addition to the above, there are further small ancillary structures around the site such as gate houses and pump houses.

(8) The building itself is approximately 350m wide and 150m deep (the actual dimensions vary due to projecting elements in certain locations) and comprises a single main building with offices projecting at the western end of the building. The building is 22.8m high to the warehouse parapet and the building has been designed with a mixture of materials to break up the bulk of the building. The main frontage onto the river also includes horizontal glazing 'strips' along each floor which not only provide natural light but also assist in breaking up the bulk of the building. The office accommodation is part single and part two storey and is therefore much lower than the main warehouse building. A green roof has been provided to part of the roof of the office building and the roof to the office also includes a recreation area/viewing platform at the front of the offices with views over the Thames. This general design approach follows a similar style to the building consented on phase 1.

(9) The proposal includes car parking which is to the south and west of the building this is provided mainly at ground level but one area of decked parking is provided to the south of the building. 599 car parking spaces are proposed including disabled parking provision. 41 motorcycle spaces are also provided and cycle parking provision is provided immediately to the south of the building. Loading facilities in the form of dock levellers for HGV's are provided to the eastern and northern sides of the building and parking for HGV's is provided to the eastern and northern site perimeters. Four dock levellers for light goods vehicles are also provided. A total of 139 HGV parking spaces are provided.

(10) The main HGV access to the site is via a dedicated roadway and enters/exits the site at its south-western corner and this leads along the western site boundary and around the building to the HGV parking areas. The access for cars is separate to this but is adjacent to the HGV entrance. The access road that leads from Rennie Drive to the HGV and car access point has been designed to create the appearance of a boulevard with trees and grassed areas along both sides and also a dedicated pedestrian and cycle way along one edge.

(11) The parking area includes a bus drop-off and collection area in addition to a bus parking and turning area and further details of this are set out in the highways section below.

(12) The application includes the provision of open spaces within the site and also the provision of ecology areas outside the site boundary. In addition to the tree-lined access road, the area around the HGV entrance and HGV route to the main vehicle servicing areas includes landscaping and tree planting. Further landscaping and tree planting is proposed in the area

between the HGV route and the car park and between the access road and the car park area. A further landscape area is provided to the east of the car park area and the applicant has agreed to provide this area as a 'pocket park'.

(13) In addition to the above, the main open space/landscaping contribution provided by this scheme relates to the riverfront. The site includes a landscaped area at the north-west corner of the site and also enhancements along the site's river frontage that will provide an enhanced continuous river frontage accessible to the public, with ecology features provided, such as bee hives, and also viewing platforms provided as part of an enhanced river walk. Lastly, a green roof is proposed above the offices on the western side of the building. The detail of the above items are considered further in the ecology section below.

(14) The proposal has been the subject of an Environmental Impact Assessment (EIA) and the application is accompanied by an Environmental Statement (ES).

#### RELEVANT HISTORY

(15) There is only one relevant application that relates to this specific site as all planning history of the former power station site is not relevant to this proposal. The only application relevant to this site is the demolition consent that was granted under reference 17/01310/DEMCON. This granted consent for demolition clearance of the entire site, including the large chimney that was recently demolished. It should be noted that whilst concerns had been raised locally with regard to the loss of the chimney, the applicant had secured an Immunity from Listing from English Heritage for this structure which lasted for a period of 5 years and the chimney was demolished long before this 5 year period expired.

(16) Relevant to this application although on the adjacent part of this wider site, planning permission was granted for a distribution warehouse under ref 18/00457/FUL. This permission was for a new building on phase 1 of the development site and this effectively 'renewed' an extant planning permission that had previously been granted for the site. With regard to the phase 3 site area, there has only been one recent planning application that is relevant. Planning permission was granted under reference 18/01017/FUL for the re-location of an existing UKPN sub-station from its current location to a new location slightly to south of its current site.

(17) 11/00487/HSC - Application under Regulation 4 of the Planning (Control of Major Accident Hazards) Regulations 1999 for the storage of hazardous substances for the storage of hazardous substances. As noted below, this has now been revoked.

#### COMMENTS FROM ORGANISATIONS

(18) Thurrock Council: No response

(19) KCC SuDS: The applicant has submitted sufficient information for the application to be determined but it is recommended that a condition be imposed requiring the submission of a verification report prior to determination of the application.

(20) Port of London Authority (PLA): Advise that they are content with the submission of the jetty report to the planning application and for the proposed conditions mentioned in the jetty study to be added to any forthcoming planning permission, in addition to other proposed conditions raised on Riparian Life Saving Equipment.

(21) KCC Heritage: Following the submission of result of borehole tests undertaken by the applicant, no objection is raised to the application but a condition should be imposed ensuring that the results of the borehole tests are published and that Heritage Interpretation Boards are provided.

(22) Natural England: Advise that the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and therefore no objection is raised.

- (23) Thames Water: No objection
- (24) KCC PRoW: The proposed improvements to the footpaths are welcomed and no objection is raised to the application.
- (25) Environmental Health: No objection. (Note: Air Quality comments are from an external consultant acting for the Council and are included in the comments part of the report below).
- (26) KCC Highways: Have provided extensive comment on the application as set out in the Traffic Impacts section of this report. Their conclusion is that the impacts of the scheme are acceptable subject to conditions and a S106 agreement securing various items including a contribution to works at junction 1a, a vehicle cap mechanism and provision of a shuttle bus service.
- (27) Highways England: Highways England have been heavily involved in discussions on this application for a considerable time. Their formal comments have not yet been received but a summary of their position is set out here based on the discussions that have been undertaken with officers. The issues of concern or interest to HE relate to the impact of the proposals on their strategic road network in the area, in particular A282 Jct 1a including the slip roads on/off of the A282 (Dartford Crossing approach road). Highways England have assessed the impact of the proposals on the junction and accept that rather than specific mitigation, the best approach is to require the developer to make a contribution towards works at or around the junction. In addition to this, the assessment of the impact of the proposal on the slip roads has highlighted that specific mitigation is required to the south-bound on slip to deal with the additional traffic expected. The applicant has agreed to fund these works and this is considered in more detail below. In addition to this, HE have been taking forward their own proposals for improvements at Jct 1a which involve widening of the west bound carriageway on the bridge from 2 lanes to 3. This is separate to both the contribution from the developer and the specific slip road works to be undertaken by the developer. HE have also assessed the applicant's proposed Construction Management Plan and welcome the use of the Jetty during the construction process and have raised no other concerns.
- (28) Ministry of Housing, Communities and Local Government (required consultee where an Environmental Statement is submitted): no objection.
- (29) Health and Safety Executive: See assessment below.
- (30) KCC Bio-Diversity: Satisfied with the proposed development and the provision of the ecology areas. An Environmental Management Plan should be secured to ensure long-term management of the site. (Note: This is secured via the s106 agreement).
- (31) Environment Agency: No objection to the application subject to the imposition of a number of conditions relating to contamination, flood defence works, bio-diversity and piling.

#### NEIGHBOUR NOTIFICATION

- (32) Following the initial consultation on the application 107 objections were received, these are mostly from occupiers within the Bridge residential area. The points raised relate to:-
- Traffic in the area is already too bad and congested and no further traffic should be allowed.
  - Roads in and around junction 1a cannot cope.
  - Air quality in the area is already poor and this will make it worse.
  - There is no evidence in the application that the existing road network will support the extra traffic.
  - Existing problems in the area with traffic already cause health issues, emotional, mental and physical problems.
  - The Council's JTB already accept that traffic is beyond breaking point.
  - Public transport in the area is poor.

- The area suffers from severe problems when there are any incidents at the tunnel.
- The site should be used for sports provision.
- The site should be returned to nature.

Following the receipt of additional/revised information in relation to Air Quality, trip generation, vehicle caps, ecology/riverside issues re-consultation was undertaken with the 107 objectors, site notices were posted and the application was re-advertised in the press. Following re-consultation, 2 further objections have been received and these re-iterate the points raised above with regard to traffic generation/congestion and noise.

#### RELEVANT POLICIES

(33) The Dartford Core Strategy 2011, the Dartford Development Policies Plan 2017 and the Kent Minerals and Waste Local Plan 2016 form the Dartford's Development Plan and the application should be determined against this unless material considerations indicate otherwise.

(34) Adopted Dartford Core Strategy adopted 2011

CS1: Spatial Pattern of Development  
 CS6: Thames Waterfront  
 CS7: Employment Land and Jobs  
 CS8: Economic Change  
 CS9: Skills and Training  
 CS14: Green Space  
 CS15: Managing Transport Demand  
 CS16: Transport Investment  
 CS23: Minimising Carbon Emissions

(35) Adopted Dartford Development Policies Plan 2017

DP1: Presumption in favour of sustainable development  
 DP2: Good Design  
 DP3: Transport Impacts of Development  
 DP4: Transport Access and Design  
 DP5: Environment and Amenity Protection  
 DP11: Sustainable Technology and Construction  
 DP12: Historic Environment Strategy  
 DP25 Nature Conservation and Enhancement

(36) Adopted Dartford Parking Standards Supplementary Planning Document 2012

(37) The National Planning Policy Framework is also a material consideration and paragraphs 8, 48, 80, 109, 118, 149, 170, 178 & 180 are particularly relevant.

(38) Regard has also been had to the Council's emerging Local Plan to replace the adopted Dartford Local Plans. This is discussed below.

#### COMMENTS

##### Introduction

(39) The environmental effects caused by the construction and operation of the proposed commercial development have been set out in the Environmental Statement, together with the cumulative effects. These are summarised clearly in the ES Non-Technical Summary.

(40) The assessment in the ES takes into account a range of mitigation measures, aimed at mitigating negative environmental impacts of the development. These mitigation measures

will be secured through Section 106 obligations, conditions and through the various Strategies already produced and action plans to be approved in due course.

(41) It is for the local planning authority (or the Secretary of State) to decide whether the information provided about the site, design, size or scale of a proposed development gives a sufficient description of that development so that an informed assessment can be made of its likely effects upon the environment. I consider that the information provided in the ES satisfies this test and is sufficient for the purposes of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Officers have considered the proposal in detail with advice from technical bodies and I am of the opinion that the ES presents a proper and reasonable assessment of the likely significant environmental impacts of the proposed development.

(42) The ES considers the following main issues:-

- Socio-economic effects
- Transport and Access
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk
- Archaeological
- Bio-Diversity
- Landscape and Visual Impact
- Contamination
- Waste Management
- Alternatives and Design Evolution
- Construction Methodology and Phasing.

Additionally a number of detailed technical issues and other issues have been considered and supported by documentation and assessment submitted with the planning application: including Energy/BREEAM assessment, alterations to the flood defences, revocation of the existing HSE consent and details of construction/piling. An in-depth Transport Assessment has also been produced and submitted.

#### Key Issues

(43) The key issues related to this case are the principle of development, highways/car parking/access, air quality, impact on surrounding occupiers, appearance/design, open space, bio-diversity/ecology & the riverside, archaeology, socio-economic impact, disruption during construction, contamination and other issues.

#### Principle of development & impact on future of the existing jetty.

(44) The application site forms part of the former Littlebrook Power Station, which was finally closed in February 2015 following several years of decline in energy production from the site as energy generation was increased elsewhere and the introduction of environmental regulations in 2015 which would have required a costly refit of the power station. Whilst the application site is 'white land' on the Council's Policies Map, Littlebrook is directly referred to in the text and diagrams of the Core Strategy, which highlight the land to the immediate east (subject to Phase One) as Employment Land on the Key Diagram. Accordingly, in this case there are several factors which suggest that in principle a 'B Class' use may be appropriate.

(45) Policy CS1 guides the approach to development in the Borough and the Development Plan. It is concerned with the spatial pattern of development and comments specifically on uses on the Thames water front. Policy CS1(c) specifically advises that life and activity should be brought to the waterfront through re-development of sites no longer required for their former use. The preceding paragraph to this policy (para 2.11) advises that the re-development of such sites also enables greater protection to be provided to other areas of the Borough including Green Belt and also contaminated sites where there is uncertainty about the safety and

practicality of development. The issue of contamination is considered below but in short the site is not contaminated such that it precludes development.

(46) Policy CS6 deals specifically with Thames Waterfront and advises in para 1c that logistics development will be supported at Littlebrook and this is reinforced by para 3.13 accompanying policy CS8 Core Strategy.

(47) Policy CS6 (1e) also refers to the possible re-use of wharves for cargo handling purposes and the overall Littlebrook site has 2 wharves, one to the east of the current application site - on the riverward side of phase one- and a second more substantial jetty that is on the riverward side of this phase 2 proposal.

(48) Use of the eastern Jetty was considered as part of the phase 1 proposals and it was deemed not suitable for use as it is too light-weight, as it was used to transfer oil by a pipeline on the jetty. The jetty that is directly to the north of the current phase 2 proposal is of a more substantial structure and is capable of materials handling. Given this, the applicant has explored the use of this jetty in connection with the redevelopment of the site but a user that requires use of the jetty has not been forthcoming. Policy CS6 (e) does not state that re-development in this area has to make use of the jetty but it advises that whilst use of the river is encouraged, alternative uses should be accompanied by a study that considers the viability of the use of the jetty (specifically, for cargo handling).

(49) The applicant has submitted a study in relation to potential use of the Jetty in association with this application and the Port of London Authority have considered this aspect carefully. The study and the application do not currently propose use of the jetty and the applicant has pointed out that there are constraints that hinder the possible use of the Jetty. In particular, the development site is separated from the Jetty by a Public Right of Way (PROW) that runs across the front of the site and there is also an existing flood defence separating the site from the PROW and the jetty. The opening up of the River frontage to the public is a key aspiration of Policy CS6, and whilst these are not uncommon features for a Thames jetty they are worth consideration with regard to viability, and compatibility with a jetty that is actively used for business purposes. Whilst the flood defence is an existing feature, as discussed separately below, the Environment Agency have required through this application the raising of the existing flood defences from 7.00m AOD to 8.5m AOD to meet the Thames Estuary 2100 targets. The applicant has also held workshops on site to explore the use of the Jetty through the construction process and as discussed below, the jetty will be used during construction to save a significant number of HGV movements. In addition to this, the proposed building has been designed such that it would allow future use of the jetty should it be viable to do so in the future. Indicative drawings have been submitted with the application that indicate the provision of high-level conveyors/links to and from the jetty to potential future openings in the building frontage, which would at least provide potential for future operational use in a means that would not conflict with aspirations to provide an enhanced publicly accessible riverside walk.

(50) Lastly, and of some long-term significance given policy aspirations for river passenger transit, suitable future access for buses would not be precluded by the proposed site layout and design (the site layout includes access roads suitable for HGV's to both the east and west of the building).

(51) Furthermore, the applicant has undertaken an assessment of previous use of the jetty and this demonstrates that whilst the jetty was constructed circa 1930, it has not been in operational use since 1970 when the power station stopped using coal and started using oil, which was imported via the eastern jetty. The applicant has confirmed that the jetty will still be maintained and will be available for ship berthing. The steps that the applicant has taken (together with confirmation of continued maintenance) have therefore satisfied the Port of London Authority that the use of the jetty has been considered thoroughly and is not prejudiced with regard to future use. In the absence of the identification of a suitable river based occupier by the developer, I consider the applicant has taken the necessary steps to comply with the requirements of Policy CS6.

(52) In addition to the consideration above, the proposed use and its appropriateness and compatibility with surrounding uses is considered relevant. Although this site does not have permission for any use/development, the site is surrounded by development of a similar nature. The adjacent phase 1 site has planning permission for Class B8 development (with ancillary B1 uses) and although this was granted in 2018, this 2018 application effectively renewed a previous consent for the site that was granted under ref 10/01357/OUT. Furthermore, this 2010 consent was itself a renewal of a 2002 application which gave consent for 72,089m<sup>2</sup> of floorspace. It is therefore highly likely that the phase 1 area of the Littlebrook development site, which is immediately to the east of the current development site, will contain large scale commercial development.

(53) Immediately to the south of the application site is the large scale warehouse/distribution centre 'Europa' and immediately to the west of the site is the Longreach Sewage treatment works. In addition to the Europa site to the south, there are also other commercial developments surrounding the site that lead off Rennie Drive and Albion Road and the immediate area is therefore completely commercial/industrial in character.

(54) In addition to the local policy position, guidance in the NPPF is also relevant. Paragraph 82 advises, "Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations." Whilst issues with regard to traffic generation/congestion are considered further below, the site is undoubtedly in a suitably accessible location with very close access to the M25, the Dartford Crossing and with nearby links to the A2(T) and M20 as well as being in close proximity to Fastrack.

(55) The NPPF also provides support for the re-development of brownfield land such as this site. Para 118(c) advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled or contaminated land. In this case the application supports this principle by providing re-development of a brownfield site whilst dealing with site contamination issues.

(56) From all the above, I conclude that there are no issues with regard to the principle of the provision of commercial development on this site.

(57) In addition to current policies, the Council have recently consulted on its future Borough Local Plan. This was the Regulation 18 or 'preferred options' stage which is a relatively early part of the preparation process for a Local Plan. This document does include a policy that specifically refers to this development site and this is repeated in full below (together with its supporting text) for clarity in the consideration of this current application as it sets out the Council's intention's going forward.

#### "FORMER LITTLEBROOK POWER STATION:

F12 The Core Strategy identified an area at Littlebrook for jobs/logistics. The Power Station has subsequently closed, been disposed of and is undergoing demolition. Given this, and the location and current characteristics of the land, it is considered appropriate to update policy for the area. The site is currently considered to merit a strategic allocation to ensure the wider environmental improvements are specifically identified and secured; and due to the potential type and scale of economic benefits.

F13 To meet expected strategic economic needs and provide a long-term supply of new premises for local business, brownfield land is allocated (see Appendix) at the former Littlebrook Power Station:

- For high quality employment development, greenspace and infrastructure appropriate for its location and riverside setting. A maximum of 88,000sqm shall be provided with a wide range of different B-class uses and unit sizes and

styles, including provision designed and demonstrated to be accessible and affordable for local businesses. The Local Plan Review will set an amount of development to be required to be provided in the form of smaller units (under a certain floorspace threshold).

- This is dependent on evidencing that transport implications will be acceptable at Junction 1a in particular and through Dartford Town Centre which may require demonstration of delivery of satisfactory mitigation with regard to the additional traffic generated by the development. In recognition of the severe traffic congestion on Bob Dunn Way, Junction 1A and the wider area from the level of traffic and incidents on the Dartford Tunnel approach; and given the lack of capacity in the network to accommodate any further traffic without further exacerbating the already severe conditions, any mitigation will need to demonstrate that the traffic generated by the development will result in no worse traffic conditions than current. A package of mitigations is expected to include:
  - Junction 1A upgrade, which must be sufficient in recognition of overcoming problems from the frequency and severity of incidents at the tunnel and the level and duration of disruption caused by incidents and to provide improved local access across Junction 1A.
  - Management measures to mitigate impacts on Dartford Town centre.
  - Parking and sustainable transport measures, including cycling and pedestrian upgrades and travel plan. These shall be devised and enforced to achieve a significant proportion of workforce traveling to work by public transport, walking or cycling, compared to local travel to work modes.
  - Development land shall be for at least 30% greenspace, with new useable open space ecological habitat creation, with 10% net biodiversity gain delivered. A well designed and managed landscaped environment will be expected which creates a good quality visual amenity/appearance across the identified employment area.
  - The development shall provide flood defences in agreement with the EA and shall also leave open a riparian area in the north west of the site sufficient for long-term requirement for a Thames Barrier/ intervention under the TE2100 project.
  - Enhancements to the environment and links shall provide an attractive setting for the riverside, the England Coastal path, and the current Public Right of Way west of the site shall be significantly enhanced to be well defined, landscaped and legible, and provide ease of access for a range of users. Good pedestrian and cycle connectivity shall be designed and delivered across the identified employment area linking well to Fastrack stops, the Bridge development and local facilities.
  - Proposals shall either utilise the wharf or demonstrate that it does not prevent future longer term use of the wharf.
  - Appropriate small-scale services e.g. a café will be acceptable where located and operated to benefit both local workers and recreational visitors.
  - Masterplanning and a clear phasing for development shall be secured in order that all the above requirements are secured for delivery in a reasonable timescale prior to end of the Local Plan Review period.

(58) The NPPF advises at paragraph 48 that: Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

(59) My evaluation against these respective criteria is as follows:

- a) Some weight can be attached at this phase of plan formulation but this is unlikely to be substantial for a Regulation stage 18 plan (it is not a full draft Plan).
- b) Public consultation responses received on the Local Plan consultation did not make a clear objection to the principle of B8 development at Littlebrook Power Station (or alternative use proposed) but there were queries/ concerns raised over traffic impacts, and points of information made by some statutory agencies. The applicant responded to the Consultation as landowner, to support the policy aspiration and a masterplan for the wider Littlebrook site, whilst clarifying that the quantum of development proposed is 'footprint' which excludes consented Phase One land and does not include any mezzanine floorspace (which can be achieved under permitted development rights).
- c) The proposed policy is considered to be in close conformity with national policy.

Overall it is considered some weight (albeit limited compared to current policy) can be afforded to the draft policy. This does not alter my conclusion above on the performance against the Development Plan, national policy, and the 'in principle' acceptability of the use proposed.

#### Transport/Highway Impacts

(60) The transport aspects of this scheme have been considered in details and are broken down into the various sections below.

#### Proposed Access

(61) Vehicular access to the proposed site will remain as existing. Swept path analyses have been provided demonstrating the ability of an HGV and bus to access and egress the site in a forward gear.

(62) The existing shared pedestrian/cycle route along Rennie Drive will be extended along the access road at a reasonable 3.5m width and will extend to the secure entrances into the site, connecting to cycle parking facilities adjacent to the building, which is welcomed and will help to encourage walking and cycling.

(63) The applicant also proposes to provide an uncontrolled pedestrian crossing on the eastern side of the access roundabout to facilitate north/south movements across Rennie Drive and provide a route for westbound cyclists and pedestrians. This can be secured by suggested condition 21.

#### Traffic generation from the previous use

(64) The application site is previously developed land and although the former power station closed a few years ago, the highways authorities (Kent County Council and Highways England) have agreed that the traffic generation from a former use, within the last 10 years, should be

taken into account in assessing traffic impacts, so that a net figure of additional traffic generation can be established.

(65) In this case, there are two sources available for the previous traffic generation, the first being Automated Traffic Count (ATC) information from data that was captured when the power station was operating (in 2012) when the Power Station was operating at normal capacity. This data shows that a 5 day average from the monitoring was 361 movements per day. This correlates well with the second source of information available - from a former employee at the power station site. During a tour around the site shortly after its closure, the employee (who had worked there for 30 years) advised me that generally there would be 100-200 people on site but at times, particularly when work was being undertaken or during a power outage, this could increase to 300, although it is accepted that the site was in decline until its eventual closure. These anecdotal figures however align with the actual recorded ATC data from the site and suggest that the figure of 361 from the ATC data was accurate. Whilst these trips did occur some time ago, they are recent enough to be considered in relation to re-development of this site and should be taken into account in assessing the net trip generation from the proposed scheme. It should also be noted that the previous ATC data did not differentiate between vehicle types but there is no evidence to suggest that HGV's visited the site on a regular basis and examination of the aerial photos when the power station was operating also suggest that HGV's did not regularly visit the site. In terms of applying this figure in the most appropriate way, it is agreed by the highways authorities that the 361 previous vehicle trips should be set against car/LGV generation at the site rather than HGV generation.

#### Trip Generation and Distribution

(66) The trip rates and trip generation of the proposed development have been the subject of on-going discussion for a considerable time between the applicant, the Council and the highways authorities. This is due to two main reasons. Firstly, assurances were required that the agreed trip rates included some elements of parcel distribution, which are typically higher trip generating uses of B8 sites. Secondly, the applicant wanted to calculate the trip generation on the ground floor area of the building, 58,176sqm, despite the potential total floor area being much greater. For robustness and interests of transparency, the applicant has applied for planning permission for the internal floorspace including internal mezzanine levels. It remains the case that usually mezzanine floors can be introduced into a B8 unit without planning permission (with no limit on the amount that can be provided). However they have also argued that a ground floor area calculation is appropriate for trip generation calculations for the following reasons:

- Some of the warehouses surveyed, elsewhere, to derive the trip rate included additional floors and therefore some element of mezzanines was included but were not measured as part of the floorspace.
- The number of employees is not directly related to the floorspace (data has been provided to demonstrate this).
- The reason that employee numbers do not increase with an increase in floor space is that the great majority of the operations on upper floors are automated.
- Fundamentally they argue that there is no reason why adding additional floors will increase the volume of throughput of a warehouse. The throughput is determined by matters such as the type of goods, number of dock levellers and ground floor space (since all goods need to pass in and out through the ground floor). The additional floors are primarily to make operations more efficient and do not provide additional storage capacity in comparison to a similarly sized warehouse using a high-rack system.

(67) In addition to the above, the following information has also been used to inform trip generation figures:

- Experience of operating similar sites
- Surveys of two existing similar units in the UK including mezzanine floors and a similar number of employees
- Operations during the Operators' seasonal peak periods, which is therefore robust
- The reasoning that limitations on movements is created by a fixed number of loading bays and the time take to unload and load the vehicles and in conjunction and that any significant changes to the layout of the site (such as number of docks) would be subject to a new planning application.

(68) The development proposals include 64 dock levellers, with an assumption that 80% will be in use at any one time (to allow for maintenance/changeover etc). A dock leveller is used to bridge the difference in height and distance between the warehouse floor and the vehicle floor height. It is a height-adjustable platform used to ensure smooth transition between the dock and the vehicle. The vehicle will back up to the dock leveller and the vertical sides and top of the opening in the building are typically surrounded by rubber buffers to prevent water ingress during use. When not in use the dock leveller is weathered via a roller shutter or similar door. The applicant suggests it takes approximately 1 hour to unload a vehicle based on each HGV accommodating 26 pallets of goods, each taking 1 to 1.5 minutes to unload (45 minutes), allowance for drivers to manoeuvre the vehicles onto and off of the loading bays and for the required paperwork to be completed. Loading takes a similar amount of time. I consider this to be a reasonable assessment of the 'turn around' time of the dock levellers and I also note that this will be work undertaken manually rather than via robotics as elsewhere in the building.

(69) Lastly, and earlier in the application process, the applicant submitted data following assessment of 16 other units at the DIRFT development (a large scale distribution centre in Northamptonshire) and the units assessed have footprints of between 34,972m<sup>2</sup> and 92,285m<sup>2</sup>. These units include parcel distribution units including high-traffic generating uses such as DHL and Royal Mail. In addition to this, traffic data from a parcel distribution site in Dartford has also been assessed using actual traffic data from this site.

(70) The daily trip generation for the proposed scheme has therefore been generated using a combination of measures being the details of the proposed development itself and trips generated by a range of similarly sized B8 use buildings and also a local parcel data.

(71) Following the extensive discussions with regard to trip generation, the maximum number of vehicles expected to be generated over a 24hr period has been agreed as being approximately 2,600, within this the maximum number of HGV's is 600. Both KCC & HE consider that the assessments and information that that have resulted in these maximum trip generation figures to be robust. The Transport Assessment and the ES accompanying the application has therefore been carried out on the basis of these trip rates.

(72) However, there is concern by Council officers and the highways authorities that these trip rates are only estimates and given the limited capacity on the highway network there needs to be more confidence that the impact once operating will not be greater than this estimated traffic generation. In order for the Transport Assessment to be supported therefore the applicant was asked to agree a cap on the number of vehicles entering and leaving the site which could then be incorporated into any planning permission granted.

#### Proposed Vehicle Cap

(73) In considering the impact of traffic on the local road network the main impact is at peak times. Typically a morning and afternoon 'rush hour' are referred to but in the area around junction 1A, traffic data shows that the peak hours are broader, each covering a 2-3 hour peak. The peak hours are therefore considered to be between 7am and 9am and 4pm to 7pm. The main impact of traffic arising from the development will be at peak times as there is limited capacity at the junctions. In order to ensure that the impact of the development and the

mitigations proposed as part of the proposal are appropriate and the vehicle movements are limited to what is assessed, it is intended the vehicle cap will control vehicle trip generation during peak hours and limit trip generation to that which has been modelled in the Transport Assessment. This will prevent higher vehicle numbers arising from the development during peak hours once it is operating

(74) The proposed vehicle cap will apply to all vehicles, not just HGV's and will relate to Passenger Car Units (PCU's) rather than specific vehicles. Such a cap can be secured through a S106 agreement. The proposed level of vehicle caps is:-

7am to 8am - 383 PCUs (total in and out with a maximum of 23 HGVs)

8am to 9am - 255 PCUs (total in and out with a maximum of 37 HGVs)

4pm to 5pm - 115 PCUs (total in and out with a maximum of 35 HGVs)

5pm to 6pm - 115 PCUs (total in and out with a maximum of 24 HGVs)

6pm to 7pm - 411 PCUs (total in and out with a maximum of 35 HGVs)

(75) The differences between the hours in the figures above reflect the fact that as discussed below, the 7am to 8am, 8am to 9am and 6pm to 7pm figures includes shift change times. Additionally, to take account of the fact that cars and HGV's have different impacts in relation to congestion, rather than vehicles, the cap will restrict Passenger Car Units (PCU's) rather than specific vehicles, although the maximum number of HGV's is specifically controlled within the overall cap. One car counts as one PCU but one HGV (any vehicle over 3.5t) counts as 2.3 PCU's. This approach is commonly used in traffic/highway modelling as a means to assess the different impact of different sized vehicles. As an example, for the 4pm to 5pm hour the cap is 115 vehicles including 35 HGVs. As there is no shift change at this time the site is unlikely to generate more than a few car movements. If 35 HGV's enter/leave the site this is equivalent to 80.5 PCU's. Therefore meaning that only 34 cars would be permitted.

(76) Should Members be minded to grant planning permission it is proposed that the vehicle cap will be secured and controlled through the s106 agreement and the main elements of the vehicle cap control mechanism are:-

1. Maximum numbers set specifically for each hour within the cap periods (7am to 8am, 8am to 9am, 4pm to 5pm, 5pm to 6pm and 6pm to 7pm). Any number of vehicles beyond any cap in any hour is classed as an 'exceedance'.
2. The operator shall undertake monitoring of vehicles entering and leaving the site. The precise method for monitoring to be agreed through s106, but is likely to be through use of an intelligent loop system in the road that can detect different vehicle sizes and also possible car park barrier data. Monthly monitoring reports to be provided to DBC & KCC. Applicant to pay DBC & KCC annual monitoring fee.
3. To allow some flexibility to take into account incidences, the operator will be allowed three exceedances per month without a penalty being payable but the operator must provide reasons for the exceedance and measures to prevent re-occurrence. (An exceedance is a breach of any cap in any hour)
4. For an exceedance of 4-9 caps per month a penalty of £3,500 per vehicle to be paid to the Council. Also, the reason for exceedance and measures to prevent further exceedances to be provided.
5. For 10 or more exceedances per month, a penalty of £7,000 per vehicle is to be paid. Also, measures as above.
6. The applicant will be required to monitor movements during the restricted hours and penalties to be in place if the applicant fails to monitor the site and provide data. A penalty of £175,000 will be payable for a period in excess of 4 weeks without monitoring and a further £70,000 payable for each subsequent month where monitoring does not take place. If this continues for a period of 3 months

the applicant is to fund DBC/KCC to undertake monitoring. Exceedance penalties would then be based on the data collected by DBC/KCC.

7. Cap to remain in place in perpetuity. The caps can only be changed/removed with the agreement of DBC, KCC & Highways England (HE).

(77) As can be seen from the above, the cap schedule sets harsh penalties if the vehicle cap mechanism is not complied with. The s106 will require that any penalties received shall be added to developer contributions for improvements to junction 1a and will be used to improve traffic issues in the area. It should also be mentioned that the purpose of the penalties is not to generate income. Their purpose is to provide a deterrent to ensure that the capped levels are complied with and, if there are exceedances, to ensure there are funds to help mitigate the impact of additional traffic.

#### Shuttle bus

(78) In relation to the trip generation considered above and the mitigation proposed by the applicant to reduce trips to/from the site, a significant part of the applicant's mitigation proposals relate to the provision of 2 x shuttle bus services for employees.

(79) The proposed site layout plan includes the provision of a bus parking and turning area together with bus-stops for staff. This is located to the rear/south of the building and adjacent to the main car park area. The applicant has confirmed that to reduce vehicle trips to/from the site, they will be operating a shuttle bus service for employees. This will operate between the site and 2 drop-off/collection points, potentially being Dartford and Greenhithe stations (to be determined once demand is known). The applicant has advised that the intention is to provide two services in each direction with each bus having capacity for a minimum of 40 staff. The site will operate on a two shift basis and also with a staggered shift change. The 2 daytime shifts will operate from 8am to 6.30pm and 8.30am to 7pm with the night shifts operating from 7.30pm to 6am and 8pm until 6.30am. The proposed shuttle bus service will use 2 vehicles with each vehicle making a total of 4 trips to the collection/drop-off destination (i.e. 2 to the site from the collection/drop-off destination and 2 from the site to the collection/drop-off location) for the morning shift and the same for the evening shift. The shuttle bus services will therefore have a minimum capacity of 640 users per day, with the capacity being greater if the bus vehicles used have a capacity of greater than 40. The service will be operated at nil cost to employees and the exact details of where the drop-off and pick up points are to be will be agreed shortly before opening of the premises. This is to allow the service to be tailored to suit requirements once staff have been appointed and their locations and likely travel arrangements known. The shuttle bus service will be maintained in perpetuity and will be subject to regular reviews to ensure that it continues to provide appropriate services. The provision of this service, including its provision at nil cost to employees, can be secured through the S106 agreement.

(80) The provision of such a service within Dartford is unique to the development proposed and represents a significant investment by the operator in reducing car borne trips to from the site with the resulting impact on both air quality and congestion. I therefore consider the provision of this service to be a significant factor in the on-going mitigation of the potential impacts of the proposals.

#### Staff Parking Provision and Modal Split

(81) The proposal includes the provision of 599 car spaces for employees and this level of provision has to be considered in relation to the size of the proposed building. The Council's Parking SPD advises that for schemes of this size, parking should be assessed on an individual basis.

(82) The anticipated full time equivalent (FTE) employee numbers have been provided which is for the whole operation but as the operation will be managed in shifts the parking needs arise from the number of staff likely to be present on site at one time and any cross-overs in shifts. The applicant has therefore also provided information with regard to the likely number of employees on-site at any one time. They advise that, at the busiest times of year (which is likely

to include the build-up to Christmas), the maximum number of employees working at the site at any one time would be 800 with the normal level of employees being around 600. The application includes an assessment of census data for the local area which shows that on average, 75% of people drive to work with 25% travelling by a combination of foot, cycle and bus/public transport and car share. This would mean that 600 parking spaces would be required and this compares well to the proposed provision of 599 spaces when compared to the maximum staff level of 800.

(83) In reality given the proposed shuttle bus provision plus the ability of anyone living within the Bridge development or Temple Hill to be able to walk or cycle together with the proximity of Fastrack. Access arrangements into the site have been considered to ensure that an attractive route from The Bridge residential development and the Fastrack Bus Stops is available. Given that the 75% modal split does not take account of the shuttle bus provision, the modal split assumed by this application is considered to be extremely robust and the likely modal split is expected to be below this level with a lower percentage reliance on use of the private car. I consider therefore that less than 599 spaces are likely to be needed and an enhanced modal split away from the private car could be achieved. The reality of this, is confirmed by the applicant's willingness to limit car visits to/from the site in the vehicle cap.

(84) As noted above, the site is accessed from Rennie Drive and the application includes the provision of a new roadway that will follow the general alignment of the previous power station access road. The proposed road will be provided as a tree lined boulevard with a shared cycle/footway to one side. The roadway will be 7.3m wide and the shared cycle/footway will be 3.5m wide. The southern end of the access road terminates at the Rennie Drive roundabout and on the opposite side of Rennie Drive an existing pathway leads south to the Fastrack Bus route and this leads directly to the Fastrack Bus Stops. The accessibility of the Fastrack service is likely to lead to a further reduction in typical private car reliance as the means of transport for staff.

(85) The applicant has prepared a Travel Plan with the aim of reducing car borne trips to/from the site and a Travel Plan coordinator will be employed, which can be obligated through the s106. Given these measures, and in particular the shuttle bus provision, I consider that the provision of parking facilities assuming a modal split of 75% is a very robust way of assessing the parking need for this development and the actual percentage of staff that use cars to get to/from the site is likely to be lower than the 75% envisaged by census data and therefore I consider sufficient parking will therefore be provided. I also note that there are very limited opportunities for overspill parking with the main road leading from the premises to Rennie Drive being used for 2 way HGV traffic and nearby roads within The Bridge development having double yellow lines. I have also spoken to The Bridge management company on this issue and they have advised that they do not have concerns with regard to parking issues being created by the scheme as the area has parking controls in place already and other commercial occupiers in the area do not create issues for them in terms of parking.

(86) The staggered shift patterns have been designed to reduce overlap between the shifts and therefore the demand for parking spaces. A drop off bay will be provided outside of the building entrance. The site layout shows 40 spaces (6.5%) to be provided for mobility impaired users. This is significantly above the minimum parking standard for Dartford which would require 14 spaces. This provision is based on the operator's expected requirements for the building. The use of the designated spaces should be regularly monitored and reviewed to ensure that the allocation is appropriate, as an underutilisation of these spaces could result in a shortfall in the proportion of regular bays, potentially leading to parking issues. However, this would be for the peak operating seasons only and any resulting parking issues are not considered to cause issues on the local highway network due to the presence of double yellow line markings along Rennie Drive, restricting on street parking.

(87) 41 motorcycle parking spaces will be provided, which is above the minimum standard. Additionally, 40 car parking spaces will be provided with electric vehicle charging facilities, which is welcomed. All other spaces are subject to passive provision for future use as EVCP spaces. The use of the spaces should be monitored as part of the Travel Plan and the active

infrastructure for electric vehicle charging increased when demand for the existing provision is approaching full capacity.

(88) With regard to cycle parking the Dartford Borough Council standards state that for a B8 use of over 2500sqm the provision should be based on the findings of the Transport Assessment. The applicant's review of the 2011 Census data shows that 2% of people in the Dartford area travel to work by bicycle. Based on a seasonal peak of 800 employees on site at any one time this would equate to a demand of 16 spaces.

(89) The applicant is proposing to provide 82 cycle parking spaces (40 Sheffield stands). Lockers, changing and shower facilities will also be provided to encourage use of this mode. The cycle spaces should be sheltered and their demand monitored as part of the Travel Plan with additional provision (such as double height racks) provided if demand is shown to warrant it. I consider that this level of provision at first occupation is acceptable and that there is adequate room within the site to provide additional cycle spaces should demand be greater, for instance if people's habits move away from use of public transport to get to work to cycling.

(90) The applicant has investigated use of the river as part of the proposals and in relation to various aspects of the scheme including during construction, for an end operator/user and for staff facilities. River services are operated by Thames Clipper. Use of the jetty for pedestrians has not been possible and this is due to the requirements of Thames Clipper who have advised that for passenger services to be operated a 1,000 space car park would have to be provided together with diversion of Fastrack services. The developer has therefore understandably concluded that such provision is not practical. However, as noted below, the application does not prevent future use of the jetty and it is also proposed to use the jetty during construction.

#### Fastrack/Cycle provision

(91) As noted above, the site is sufficiently close to the Fastrack route to make use of this as an attractive alternative to travelling to/from the site by car. Additionally, the route to the Fastrack stops will be reasonably attractive via the proposed tree-lined boulevard access road and the existing footpath through the existing open space. However, the applicant is proposing to further enhance likely use of the Fastrack service. Diversion of the Fastrack route, with the provision of a stop closer to the development, has been considered by the applicant but this has been found not to be a viable option as the operators of the service have advised that they are concerned about any diversion and its consequential impact on other passengers (due to increasing length of the time between existing stops) and the continued attractiveness of the service to other passengers. As a consequence, the applicant has agreed to provide the dedicated shuttle bus service but in addition to this the proposal seeks to provide facilities for employees to cycle to/from the Fastrack bus stops that are to the south of the site. To achieve this the applicant is intending to provide a small cycle store adjacent to the Fastrack route, bikes would be provided by the applicant and accessible to employees via a locking system with similar facilities provided both at the Fastrack end of the route and on-site. I consider this a further valuable and unique measure that encourage reduced car trips to/from the site. As the remote bike storage site is not within the redline site area the provision of this facility can be secured via the s106 agreement.

#### Traffic Impacts (Observed, Background and Baseline Data)

(92) Having considered trip generation and the measures proposed by the applicant to reduce car journeys to/from the site, it is necessary to consider the impact of the expected traffic from the development on the local road network.

(93) To establish existing traffic levels, surveys were undertaken at local junctions during 2019. This is called the 2019 'Observed' baseline and it represent the current situation. Traffic counts were factored to 2026 using TEMPro 7.2 to create a '2026 Background' scenario. Committed development sites (either identified in the Local Plan or granted planning permission) were added to the background data to create a '2026 Baseline' scenario. These

processes are considered an acceptable simulation of future baseline traffic flows. The development trip rates are then added to this to create a 'with development' scenario.

(94) Employee trip distribution has been based on the 2011 Journey to Work Census data for Dartford which is again a standard and accepted approach.

#### Junction Capacity

(95) Seven local junctions have been assessed for capacity. These are as follows:

- Binnie Road/Marsh St N/Rennie Drive Roundabout;
- Rennie Drive/Power Station Access Roundabout;
- Rennie Drive/Albion Road Roundabout;
- A206 Bob Dunn Way/A2026 Roundabout;
- A206/Central Road Roundabout;
- A206/Marsh Street North Roundabout.
- M25 Junction 1a.

(96) With regard to distribution, due to the width restriction on Marsh Street, all HGVs entering and leaving the site will do so via Junction 1a. 10% have then been assumed to travel westbound along Bob Dunn Way, in order to account for those vehicles who travel towards Bexley on the local road network.

(97) Priority and roundabout junction modelling results are expressed in terms of queues, delays and 'RFC' values (Ratio of Flow to capacity). Anything under an RFC of 0.85 means the junction is operating within design capacity, with 0.15 spare capacity to account for day to day variation in flow. Anything between 0.85 and 1 is above design capacity but within theoretical capacity. Anything above 1 is considered to be over theoretical capacity of the junction.

(98) The results of the assessments show that three of the junctions (Binnie Road / Marsh St north / Rennie Drive, Rennie Drive / Power Station Access and Rennie Drive / Albion Road) are anticipated to operate within design capacity (at or below 0.85 RFC) during the '2026 With Development' scenario.

(99) The three junctions located along the A206 (A206 / A2026, A206 / Joyce Green Lane / Central Road and A206 / Marsh St North) are shown to operate either over design capacity (RTC 0.85-1) or over theoretical capacity (RFC >1) in at least one peak hour, in all three scenarios ('2019 Observed', '2026 Base' and '2026 With Development'). The Transport Assessment advises that this is due to the existing blocking back effect from Craymill Bridge on the A206 Thames Way as the traffic is filtered down from two lanes into one, and that the junctions operate within capacity when this blocking back is removed. At the request of KCC, evidence to support this claim was provided in the form of additional modelling. The modelling shows the junctions would operate within capacity if the vehicle flow was not restricted by congestion on the A206 at the Craymill Bridge.

(100) The percentage impact of the (net) development trips at these junctions is anticipated to be between 0% - 2% and there is anticipated to be an increase in queue (as a result of the development) of between one and three vehicles at each junction. The impact is therefore anticipated to be well within the 10% daily variation of the network.

(101) I also consider that the specific shift patterns proposed by the developer are important in assessing the traffic impacts of the scheme. The developer has undertaken to operate staggered shift changes with the two day shifts being from 8:00am to 6.30pm and 8:30am to 7:00pm and the nights shifts being from 7.30pm to 6:00am and 8:00pm to 6.30 am. The aim of

these shift times is to reduce traffic movements within the peak hours. These shift change hours are important in relation to the reduction of traffic impacts as with the nightshifts finishing at 6:00am and 6.30am, staff will have left the area prior to the 7am to 8am traffic peak. Employees arriving for the day shift will arrive in a staggered basis with the arrivals being split between the 7am to 8am and 8am to 9am peak hours. With the day shifts finishing at 6.30pm and 7:00pm, all staff will leave late in the evening peaks. Staff arriving for the night shifts will also arrive later in the evening peaks. The impact of this traffic generation on the local highway network has been modelled and accepted by KCC Highways and Highways England as set out below. Additionally, vehicle numbers within these periods are controlled by the proposed vehicle cap and therefore it will not be possible for the development to generate more traffic than anticipated in all peak hours.

(102) The above shift hours are important as residents are concerned about the potential impacts in the area, and on the Marsh Street/Bob Dunn Way roundabout and it is understood that their concerns relate to the ability to enter onto the Bob Dunn Way roundabout from The Bridge. The proposed shift change times mean that no traffic will use this junction when leaving the site after 7am in the morning and in the evening, traffic leaving the site in the evening will be split by the dual shift system and will be spread during the shoulder peak hour (6pm to 7pm) with the second part of the day shift leaving after the latest peak hour has finished. In terms of vehicle numbers, the modelling which has been accepted by KCC, envisages 66 extra vehicles using the March Street/Bob Dunn Way junction between 6pm and 7pm and 34 using it in the following hour. It is anticipated that the remainder of car traffic will use junction 1a and this will also be split across the 2 hours due to the dual shift system. The impact of these on Jct 1a is considered further below.

(103) M25/A282 Junction J1a has been modelled using industry standard LinSig software. The surveys of existing traffic showed significant queuing particularly during the PM peak and that this was mainly caused by traffic on the A282 northbound on-slip blocking back onto the J1a roundabout, which then blocks east-west traffic flows. This is a known issue to KCC and is understood to be a combination of several factors including general traffic levels struggling to merge on to the A282, incidents on the network, the activation of the Traffic Cell on the A282 to allow the convoy of hazardous goods through the tunnel, and northbound traffic being held at signals to allow oversized vehicles to exit the A282.

(104) KCC have queried a number of issues with the 2019 'observed' model (such as the use of different cycle times and saturation flows) and were satisfied with the response from the applicant on these issues. The limitations of junction models to accurately replicate the traffic flows seen on site during heavily congested peak periods is recognised. However, they remain the best tool available to understand the impact of developments on the network.

(105) The modelling results show the junction is operating above theoretical capacity in the existing (PM) and future scenarios. However, the applicant's position is that their scheme does not require specific mitigation within the traffic light/roundabout area of junction 1a although they recognise problems at junction 1a and the potential for the scheme to add to these. KCC have not disagreed with this view and it is important to remember the high-volume of traffic that uses the junction during the peak hours in comparison to the capped vehicle flows proposed by this development. The applicant has therefore considered and proposed mitigation measures at J1a. These include possible measures of widening of the A206 to assist in local east-west traffic flows, simplifying the traffic signal controllers to help control the flows and yellow box markings to help prevent the junction locking up. These measures would segregate local traffic from traffic wishing to join the A282 and therefore reduce delays to local traffic. The bridge widening scheme currently proposed by Highways England does not form part of the developer's possible mitigation scheme and is to be separately funded and provided by HE. However, the developer's possible mitigation scheme does not prejudice the introduction of the bridge widening scheme.

(106) As the issues at Jct 1a are much larger than the issues associated with this application and it is unreasonable to require the applicant to solve all the issues a junction 1a. It is therefore not considered appropriate to require the applicant to carry out specific mitigation works at the junction in connection with the proposed development impacts. Given the wider problem, it is

likely that such works would be dug up/re-done in order to deliver the larger mitigation at the junction that is recognised as being required. The developer has therefore been requested to make a contribution towards a larger package of mitigation measures around junction 1a. The applicant has agreed to a contribution of £2.3m towards works at junction 1a which is considered to be the amount a scheme to mitigate the developments impacts would cost. In order to create a co-ordinated approach to delivering a broader mitigation scheme discussion has been underway with the highways authorities, the discussions taking place around the current development have helped to move forward the co-ordinated approach with the highway authorities.

(107) Outside of consideration of the current planning application, in recognition of the existing situation at J1a and the wider impact that new development coming forward will have, a J1a working group has been convened. This is made up of KCC, DBC and HE Officers and the remit of the working group is to consider a mechanism for agreeing, funding and implementing a scheme or schemes to alleviate congestion at the junction over the medium and longer term. An agreement is being prepared to be signed by all parties which will set out the operating arrangements to ensure works can be identified and brought forward in a timely manner and in agreement with each authority.

(108) There is recognition by all authorities that improvements to the junction requires a much larger long term scheme that no single developer is likely to be able to provide. For this reason the developer's contribution towards works at junction 1a is considered the most appropriate course of action, rather than smaller piecemeal works. It is therefore advantageous if the developer contribution is pooled to create a large funding pot which can be used to implement more extensive measures that will be most effective for the network. It is anticipated that further funds will become available to put towards a scheme, such as other developer contributions, CIL, bids/grants and HE funding. Additionally, any penalties received from the vehicle cap mechanism will be added to this 'pot'.

#### A282/Jct 1a Slip roads

(109) Following the submission of an assessment of the impacts of the scheme on the sliproads at this junction, HE have raised a concern with regard to the south bound on-slip (The slip road you would use if joining the A282 and heading towards Swanley/Gatwick). The work undertaken by the applicant has identified that this slip road is already operating beyond capacity in the morning peak. The traffic data suggests that due to this, traffic is not able to merge smoothly without delay and that queueing/slow moving traffic is present on the slip road and this in turn causes traffic to slow on the main A282 carriageway. It is acknowledged that this area is already congested during the peaks but HE have advised that their concern relates to safety with the situation likely to result in 'shunt' accidents. HE have advised that they have no plans to address this current situation but that as the application will add to the existing situation, that specific mitigation should be provided.

(110) The design/layout of this slip road is of an older type and does not meet current standards. The developer has therefore agreed to upgrade the layout of this slip road. Currently the slip roads has two lanes that run almost the entire length of the slip and they merge into one lane approximately at the same point that the solid line between the slip road and the main carriageway finishes. The proposed upgrade will provide what is known as a 'Type B parallel merge'. This is a form of layout that complies with current design guidance. As one comes down the slip road, traffic will merge into one lane before joining to allow safer entry to the A282. This is achieved via revised slip road layout with the provision of a 'ghost island'.

(111) The advantages of this are:-

- It is compliant with modern design guidance;
- It delivers a longer, parallel, interface between merging and mainline traffic, therefore promoting safe gap selection;

- It can be delivered with minimal disruption to road users (Likely to be via night-time works).

(112) The applicant has agreed to fund the cost of these works (estimated construction cost at £250,000) separately to the £2.3m contribution towards improvements for junction 1a. Given the comments from Highway England I consider the developers proposal provides the necessary specific mitigation to the scheme and the provision of these works (the exact design of which is to be agreed with HE) is secured by condition 18 and will be undertaken via an agreement under s278 of the Highway Act.

#### Travel Plan

(113) A Draft Travel Plan has been provided in order to encourage sustainable travel to and from the site. The Travel Plan action targets state "Launch the Travel Plan no later than three months after the appointment of the Travel Plan Coordinator" (who would be appointed within one month or prior to occupation) and "To submit a Full Travel Plan to the Council once the staff travel survey has been undertaken" (which would be within six months post occupation). It advises that a Full Travel Plan will be submitted to the LPA and approved, three months prior to occupation. A number of actions such as personalised travel planning and a car share database are proposed to be implemented within 3-6 months post occupation. This can be secured via the s106 agreement.

(114) The Full Travel Plan will set out measures that will be implemented to further encourage sustainable travel, should the annual monitoring review show that the targets are not being achieved. Incidents on the local highway network adjacent to the site occur frequently. When this happens, the network becomes gridlocked, particularly at M25 Junction 1a and in the vicinity. A Traffic Management Plan will therefore need to be provided setting out a strategy for coordinating vehicles when there is an incident on the network. I consider that measures should include (as a minimum):

- Ensuring appropriate information regarding the operation of the network is disseminated to appropriate employees
- HGVs to be held on site until the network has returned back to 'normal' operating conditions
- Confirmation that appropriate amenities (food, drink WC) will be available for drivers being held on-site.
- Information on network conditions being communicated to drivers travelling to the site and drivers directed to suitable 'holding' areas (to be identified in the plan and agreed by KCC) until the network has returned to 'normal' operating conditions.

I have suggested that this Traffic Management Plan is secured via a Condition and the applicant has agreed to this.

(115) A Framework Delivery and Servicing Management Plan has been provided in order to "mitigate the impact on the local highway network during peak periods". A Full Delivery and Servicing Management Plan will be required prior to operations commencing and I have suggested that this is secured via condition 15.

#### Conclusion on Highway impacts

(116) This is a significant scheme and one which has the potential to generate significant traffic levels and consequential impact on the surrounding highway network. However, the scheme includes a significant number of initiatives/measures to reduce and mitigate traffic impacts as set out below:-

- A contribution of £2.3m towards highway improvements at Jct 1a of the A282

- Improvement of the A282 Southbound merge
- The provision of 2 x shuttle buses, free of charge to employees
- Generous cycle parking provision
- A cycle link scheme to encourage use of Fastrack
- A vehicle cap mechanism with severe penalties
- A Travel Plan (with reviews) and employment of a Travel Plan coordinator
- Walking and cycle routes to the development

(117) Some of the above elements such as the scale of the free shuttle bus for employees are unique to Dartford for a logistics scheme of this type and will offer significant traffic reduction benefits. I also consider that the provision of the contribution for Junction 1a, and the works already proposed by HE are important considerations in the assessment of this scheme. Furthermore, the specific mitigation proposed by the applicant to the southbound A282 slip road will bring benefits to this junction. I therefore conclude that whilst this scheme will generate significant levels of traffic that appropriate mitigation and controls will be in place to ensure that the scheme does not have a significant adverse impact on the surrounding highway network and that these controls can be maintained into the future.

#### Air Quality

(118) Linked to the consideration of traffic issues is the impact on Air Quality and this is set out below. This section is separated into two parts, the first section deals with the scientific assessment of impacts of the scheme and the second part deals with mitigation proposed by the developer and also the relationship to previous consideration of Air Quality impacts.

(119) The applicant's Air Quality assessment identifies the maximum pollutant concentrations and the maximum impact of the development are identified. To be clear, it is not always the case that these two elements coincide and this is apparent through the results as presented on a pollutant-by-pollutant basis. The assessment considers development impacts and also cumulative impacts, where consented developments are taken into account on top of the impacts attributed directly to the Development. These are discussed in more detail below.

#### Specific Development Impacts: NO<sub>2</sub> (Nitrogen Dioxide)

(120) The highest additional NO<sub>2</sub> attributed to the development on the annual mean is within Ellingham View (Receptor 17). The impact location is commensurate with where the maximum impact is likely to arise having assessed the traffic generation from the site and that this location is one of the nearest to the roads on which entry to and from the site would be gained. Although this has been identified as the point of 'maximum impact', the impact on this location is not significant and the Council's consultant has confirmed that negligible impacts are predicted at all receptors, including this 'maximum' location and therefore no significant effects are anticipated.

#### PM<sub>10</sub> and PM<sub>2.5</sub> (particulate matter)

(121) The highest PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are predicted immediately adjacent to the A282 where it abuts the eastern and western arms of Bow Arrow Lane. These sites are located on the A282 south of the site and arguably reflect the higher volume of traffic giving rise to particulate matter vehicle exhaust contributions. No specific receptors are identified as having greater impacts as a result of development-led contributions to PM<sub>10</sub> or PM<sub>2.5</sub>: for each PM metric the contribution is less than 0.1 micrograms/m<sup>3</sup>.

Cumulative Impacts (including predicted impacts of expected/consented development in the area): NO<sub>2</sub>

(122) The highest concentration of NO<sub>2</sub> is predicted to arise at receptor 27 (Station Road/London Road roundabout) (R27). This is consistent with the above and provides some reassurance on consistency. The maximum additional NO<sub>2</sub> attributed to the development on the annual mean is at Receptor 22 (R22) at Eliot Road, again close to the A282. The impact location differs to that of the Development-specific impact as reported above, but nonetheless is consistent with what may be expected under a cumulative impacts scenario where the traffic from multiple sites seeks to achieve access to Junction 1A and the local road network onto the A282. The maximum additional NO<sub>2</sub> on the annual mean contributed by the Development with consented developments in this cumulative impact is 1.0 micrograms/m<sup>3</sup>. With the above, whilst 'maximums' are referred to, this does not mean that the impact is unacceptable and the Council's consultant has considered these impacts to be minor adverse/negligible and no significant impacts are anticipated.

Cumulative Impacts (including predicted impacts of expected/consented development in the area): (particulate matter)

(123) PM<sub>10</sub> and PM<sub>2.5</sub>: the highest PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are predicted immediately adjacent to the A282 where it abuts the eastern and western arms of Bow Arrow Lane. These receptors again reflect the higher volume of traffic on the road network that give rise to the highest values of PM metrics in the area. The largest impact of the development plus consented development on the annual mean is at Ellingham View, Elliot Road, Bow Arrow Lane and Hardwick Crescent. The change in PM concentrations at these locations are generally 0.1 micrograms/m<sup>3</sup> or less.

(124) The appraisal of significance of changes in pollutant concentrations is the approach used to consider the significant and impact of changes in air quality and is done through the application of the Institute of Air Quality Management (IAQM) industry guidance on planning and air quality. This is consistent with the conclusion for all pollutants is that the changes are Negligible and not significant at the majority of the receptor locations included in the assessment. At worst, the impact of changes in NO<sub>2</sub> are Minor Adverse, but again not significant for the changes predicted to take place in the annual mean NO<sub>2</sub> London Road/A206 in the future 2026 case with the Development + Cumulative Scenario.

(125) The impact of the Development in respect of its contribution to annual mean NO<sub>2</sub> levels in the AQMA in 2026 are greatest at Receptors 17 and 18 (on the route from the site to Jct 1a), which are outside of the AQMA. The scheme is shown to contribute to approximately 0.2 - 0.3 micrograms/m<sup>3</sup> to the annual mean NO<sub>2</sub> levels in 2026 at Receptors 23 and 24 (Bow Arrow Lane), which are located in the A282 AQMA. In general, this contribution is deemed not significant and thus does not lead to any extension of the AQMA (in terms of geographic extent) or likely to lead to a prolonging of the need for the AQMA, as current traffic is deemed to be the more significant issue in relation to management of poor air quality in the area.

#### Air Quality Summary

(126) The Council has used an external consultant to undertake the detailed assessment of air quality impacts of this scheme and the technical assessment above concludes that the impact of the scheme will not be significant. In addition to the above, there are other factors that need to be taken into account in relation to air quality as below.

(127) An important consideration in relation to the air quality impacts of this development is the proposed restriction that will be imposed through the s106, if members are minded to grant planning permission, regarding the emissions rating of the vehicles that will use the site. National fleet composition data advises that for HGV's an average of 80% are Euro VI compliant with regard to their current emission ratings. Clearly as vehicle fleets become newer over time the amount of Euro VI compliant vehicles will increase with time, however, to assist with local air quality issues, the operator is willing to accept a restriction that on opening 82% of HGV's visiting their site will be Euro 6 compliant and by 2026, 95% of HGV's using the site will be Euro

6 compliant. This is a significant benefit in relation to the local air quality and it guarantees that newer and cleaner vehicles will be introduced over the coming years. The securing of this high-level of Euro 6 vehicles will clearly have Air Quality benefits. Additionally, the provision of the shuttle bus will assist with air quality impacts as well as congestion by discouraging car use. The further measures secured by the scheme being the proposed Fastrack/cycle scheme and the 40 electric vehicle charging spaces will also assist, particularly as set out below sufficient electricity will be generated from photovoltaic panels to power these charging points. These charging points can be extended to cover the whole car park as electric vehicle use increases and this will be controlled/managed through condition 16.

(128) I also note that the Council has been unsuccessful at appeal in resisting applications where traffic movements have potentially resulted in adverse air quality impacts. In the Howbury appeal, the Inspector did not agree with the Council's concerns with regard to air quality impacts, despite the scheme generating around 5,000 vehicle movements per day, approximately 2,000 of which were HGV's. This was due to the fact that despite the congestion issues in and around Dartford, air quality is slowly improving due to the improvements in vehicle engines, despite the level of traffic generation. A significant factor in this assessment with regard to HGVs is the increasing number of Euro 6 compliant vehicles leading to improvements of air quality.

(129) From the above, I conclude that the applicant is doing all that is reasonable to reduce air quality impacts from this development both initially and also in future years and therefore I consider the air quality impacts to be acceptable.

#### Socio-economics

(130) Policy CS7 seeks to achieve net growth of approximately 26,500 jobs over the plan period including the provision of these jobs through the development of new class B8 floorspace. Para 3.13 of the Core Strategy relates to economic change within the Borough and specifically notes that the Littlebrook site has the potential to provide transport and logistics development. Policy CS8 advises that the Council will seek transformation of the economy by focusing on key growth sectors and the list of these sectors includes logistics, transport and distribution. Policy support for the provision of additional employment/jobs is also provided through the Development Policies Plan.

(131) The applicant's data suggests that during the construction phase, the scheme is likely to generate 765 FTE workers per month over the 64 week construction period and the socio-economic statement submitted with the application concludes that the development will therefore be considered to have a moderate beneficial effect on employment during the construction phase. This is within the context of a site that is not currently generating employment (other than site clearance/security etc by the developer) and against the power station use that was in decline for a number of years.

(132) In relation to employment when the building is operational, as noted in the Description section above, whilst the building is to have a large amount of mezzanine floorspace, this is for the purposes of the installation of automated machinery and this will have a significant effect on the typical employment density when compared to the total internal floorspace of the building. The expected employment generation has therefore been adjusted to take account of this factor in relation to the warehouse floorspace, but not the proposed office accommodation for which the expected employment density has been calculated in relation to HCA guidance. Based on this the applicant estimates that the scheme will generate in total between 1,787 and 2,295 FTE jobs when it is operating, including 345 office jobs although an estimated maximum of 800 staff will be on site at any one time (this is discussed further in the Highways section above). Such job creation will clearly have local benefits. I therefore envisage no dis-benefits from either the construction or operational phases of this development, specifically with regard to socio-economics.

## Contaminated Land

(133) Given the previous long-term industrial use of the site, the issue of land contamination is a significant issue for this site but despite the previous use, the site is not as contaminated as might be expected. Nevertheless, the applicant has undertaken significant assessment of the site situation and the remediation necessary. This has been partially dealt with through the demolition consent (17/01310/DEMCON) on a site-wide basis but the detailed issues are also being considered on a site by site basis with separate assessments being undertaken in relation to phases 1 and 2.

(134) The assessment undertaken by the applicant in connection with the current application has determined that the site is of moderate to high sensitivity due to the fact that it overlies a principle aquifer (as do many of the adjoining industrial sites). Survey works have identified that the site potentially contains pervasive asbestos, localised hydrocarbons and metal contamination. This means that there are potential impacts on workers during construction and following completion but the applicant has provided a scheme of mitigation including the provision of a hard cover system, gas protection, material re-use or disposal off site through waste management procedures (regulated separately) and the submission of verification reports to DBC. The submitted details and remediation methods have been checked and accepted by both the Environment Agency (who are concerned with the pollution of ground waters) and the Council's Environmental Health department who consider the impact on public health.

## Appearance/Design

(135) The application proposes a substantial structure and therefore the design/appearance of the building and its surrounding are an important issue. It is also important to note that views of the building will be possible from the Dartford River Crossing although the closest part of the proposed building is approximately 800m from the QEII Bridge.

(136) As set out in the description section above, the main building sits roughly centrally within the site with manoeuvring and HGV parking areas between the building and the northern/riverfront boundary and also the eastern boundary. The building itself is rectangular with various projecting elements including the office floorspace that is on the western side of the building. The building is set away from the site boundaries with the closest part of the building being 24m from the rear/southern boundary and an approximate 70m gap between the building and the front site boundary with a 90m gap to the eastern boundary and 80m to the western boundary. Given the distances from the boundary, whilst the building is large, it is not overly dominant in relation to its scale within the site. The building is also surrounded by other large scale commercial development of similar character and will therefore not be out of place with regard to surrounding development. I also note that the scale of this building in terms of footprint is similar to the existing Sainsbury's distribution warehouse adjacent to Junction 1a although the Sainsbury's site is larger overall as it includes a second reasonably sized building on the opposite side of Rennie Drive.

(137) In addition to the above assessment of effects on the immediate environment, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). This considers the visual impact both during construction and also for the finished development. I have no concerns with regard to visual impacts during construction as this is a normal part of development.

(138) The LVIA considers the proposed development and also the surrounding development within which the development will sit. It notes that the surrounding development is dominated by industrial uses such as Longreach Sewage Treatment Works and other large scale industrial riverfront development on both sides of the river. The assessment considers long-distance views of the site and the impact on local landmarks such as the QEII Bridge. Other large scale features are present in the area such as pylons and also views of the site from various vantage points including from across the river, however, the report concludes that the surrounding area is of low landscape value visually and I have no issues with this assessment. I also note that the scale of the building in terms of its height is not significantly out of scale with its

surroundings. As a comparison, the most recently completed building in the Bridge development has a height of around 18m. Whilst this is slightly lower than this development, the height of the proposed building is not significantly different, particularly given the much larger site in this case with the proposed building being 22.8m high to the roof parapet.

(139) The LVIA report also concludes that the development will not have an adverse impact on the area generally and although the site will be visible from some longer distance vantage points, I have no issues with the conclusions of the report and consider that the proposal will not result in any significant landscape and visual effects.

(140) In addition to the specific design references above, policy CS14 requires the provision of open space within the development. This development includes areas both within the site (as set out below) and also outside the site including a large landscape/amenity area at the front of the site (140m by 35m), as well as a pocket park as well as several areas in and around the western entrance. The pocket park is located to the rear/south of the main building and adjacent to the boundary with the neighbouring 'Europa' unit and is accessible by staff from the application site, staff from adjoining sites and for general public use. Additionally, the scheme includes enhancement of the river frontage to provide a new high-quality publicly accessible River Thames frontage that links with footpaths and right of ways either side of the building to provide a continuous riverside footpath - a key aspiration of local policy, which will be a significant enhancement to the existing situation. The proposed site layout plan shows the 'green' landscape areas within the red line site area and these represent 34% of the site area. It should also be noted that it is significant that this figure does not include the two ecology areas referred to below, which are outside the site boundary and which have a combined area of approximately 20,000sqm. I therefore consider that the scheme provides both the amount and quality of Open Space that is appropriate for this development.

#### Archaeology

(141) The site lies close to the River Thames and in an area that is identified as having archaeological potential. However it is also recognised that the site has been subject to significant commercial/industrial development in the past and recent demolition operations on the site has also resulted in ground disturbance on the site.

(142) Despite the previous development and works on the site, KCC Archaeology advised that the site still has the potential for archaeological remains to be discovered. In particular, they have advised that further archaeological investigation works should be undertaken, particularly within a section of the site that appears to have been largely devoid of development in the past. KCC have advised that given the potential for archaeology in the area and the known history of this area with the potential for settlements dating back thousands of years that borehole testing should be undertaken.

(143) Following these comments, the applicant has recently undertaken bore hole sampling at three locations within the site and this has not revealed any evidence of human activity on an early prehistoric land surface. The results of this testing has been provided to KCC Archaeology who have advised that no further works are required prior to commencement of the development. They have recommended that a condition be imposed requiring writing up, archiving and publishing the results of the field work undertaken. A condition requiring this is proposed [condition 19].

#### Bio-Diversity, Ecology, Landscaping & Riverfront Improvements

(144) The application includes landscaping/ecology areas in and around the site and the detail of these are set out below. As noted in the Site Description section, the applicant has designed the site access road that leads from Rennie Drive into the site as a tree line boulevard with a landscape strip and trees to both sides of the road. This is provided in addition to the pedestrian and cycleway access that leads along the access road.

(145) Landscaped areas are also provided in and around the HGV access road and the HGV holding area that is immediately within the HGV access. The planting proposed within this and

the adjacent boundary areas are extensive with over 1,000 common hawthorn plants being provided within the landscaped areas and along the western site boundary in addition to tree planting both along the western site boundary and also on the internal boundary separating the HGV area from the car parking area.

(146) Other areas of landscaping are provided in areas to the corner of the car park together with further tree planting around the proposed bus stop/bus parking area. Additionally and adjacent to this, the applicant has provided a landscape area to the south of the building and this is intended to be a 'pocket park'. Details of this can be agreed via condition and the applicant has agreed to continual maintenance of this area. The road that leads from this and along the southern boundary of the application site is also to be tree-lined. Given the scale of the site and the surrounding area this area appears relatively small on the site layout plan but this pocket park covers an area of approximately 1,250sqm and also links to a further landscape strip that runs along the southern boundary. This is approximately 200m long and 10m wide.

(147) The above are landscaped areas within the site but there are also ecological areas and ecological enhancements proposed as part of the development but which sit outside the site. These are considered below.

(148) Although not within the phase 2 area, the application secures via the s106 agreement the provision of two ecology areas, together with their long-term maintenance/management. The HGV access road leads between the southern boundary that is adjacent to the car park area and separates the site from the existing electricity sub-station. To the south of the sub-station 'Ecology Area 1' is proposed. This is roughly rectangular in shape and covers an area of approximately 10,000m<sup>2</sup>. The second ecology area, 'Ecology Area 2' is located to the south-west of area 1 and sits between Rennie Drive and the footpath that runs along the western boundary. This area covers approximately 10,000m<sup>2</sup> also.

Ecology area 1 will include:-

- Retention and relaxed management of grassland and scrub to enhance the habitats for translocated reptiles to this area;
- Establishment of wildflower grassland in areas of the ecology area to promote the botanical diversity within the site and offer new nectar resources for invertebrates;
- A specific management plan of habitats will be adhered to, safeguarding the interest for the two Lizard Orchids *Himantoglossum hircinum* translocated to this area;
- Retention of scrub elements will safeguard the interests for bats, birds and invertebrates;
- Provision of six hibernacula and further log piles have been created within the ecology area to ensure the reptile population has sufficient carrying capacity and offer new opportunities for saproxylic invertebrate species;
- A new apiary, to be run by a local bee keeping group, will be provided within the ecology zone, promoting the areas use by up to 1 million honeybees *Apis mellifera*;
- The area will be excluded from significant light spill providing valuable dark zones for bats; and
- A single bee bank will be created within Ecology Area 1. Bee banks provide warm and sheltered patches of bare earth where solitary mining bees and wasps can nest, as well as providing a range of opportunities for other invertebrate species.

Ecology Area 2 will include

- Establishment of areas of wildflower grassland to promote the botanical diversity within the site and offer new opportunities for bats, birds and invertebrates;
- Retention of trees and scrub will ensure opportunities for bats and birds are retained;
- Provision of two Schwegler 1FF bat boxes to offer net gains in roosting opportunities for bats;
- Provision of two Schwegler 2H bird boxes to offer existing nesting opportunities for birds;
- Gradual ecotones along the western boundary of the ecology area will be established through management to create a more valued habitat for bats and birds;
- A relaxed management will be undertaken to improve the existing habitat conditions creating a more favourable environment for reptiles;
- Provision of log piles from future management will offer new refugia and hibernation opportunities for reptiles while also provide valuable dead wood resources for invertebrates;
- Establishment of a single bee bank within the ecology area will provide warm and sheltered patches of bare earth where solitary mining bees can nest, as well as providing a range of opportunities for other invertebrates; and
- The existing bank created by the soil deposition will be largely left to naturalise alongside being seeded with a wildflower seed mix offering potential opportunities for Shril Carder Bee.

(149) In addition to these areas, the application includes:-

- The provision of species rich grassland along the northern boundary adjacent to the Thames.
- The provision of a green wall adjacent to the northern boundary
- A green roof of 1,130m<sup>2</sup> on top of the office section of the building, to be planted with native grasses and wild flowers.
- The provision of bee-hives in a landscape area in the north-west together with bee-hives for an estimated 1 million bees. The application includes the provision of a new flood defence embankment and this may offer the opportunity for the Shril Carder Bee, a rare species but known to be present in the area. The developer has been in contact with the local branch of the Kent Bee Keepers Association who have written in support of the proposals.
- The provision of bird and bat boxes including nesting opportunities for Peregrine Falcon.
- Provide new opportunities for the European Eel (through management of balancing ponds).
- Increased opportunities for Water Vole - adjacent to the existing Byway through management and planting.

- Provision of disease resistant New Horizon Elm cultivars lining both sides of the new Estate Roads that will offer new opportunities for White-letter Hairstreak Butterfly), providing net gains for this priority species.

(150) Given the extensive ecological enhancement being undertaken through the application, the applicant has submitted an ecological management plan. This has been checked and accepted by KCC Bio-Diversity. The plan has three main objectives.

1. Maintain and enhance retained and newly created habitats within the site and those tied to the existing path;
2. Maintain populations of protected species, where applicable, identified within the site area at a favourable conservation status; and
3. Increase biodiversity by maximising opportunities for flora and fauna.

(151) The above measures will be secured by way of planning conditions and also the long-term management of these areas, for which the applicant has provided Management Plans approved by both KCC and the Environment Agency. These areas will be the responsibility of the management company. The S106 will require management of these areas for a minimum of 30 years and this will be funded through a service charge included within the development lease.

(152) In addition to the long-term issues, there is also a requirement to consider ecological impacts created by the construction process. The application details consider the detail of this impact. These are considered to relate to the encroachment of construction of vehicles on existing habitats, construction lighting restrictions, replacement bat roosts (already provided, retention of and protection of existing reptile habitat and impact on habitats and fauna. The submitted ES considers that the impact is considered to be negligible and this assessment has been undertaken in relation to both potential local issues and also statutory sites (the Thames Estuary Marine Conservation Zone). This assessment has been checked and assessed by KCC Bio-Diversity and I agree with the conclusions reached.

#### Riverfront improvements

(153) The existing riverfront is currently rather industrial in terms of appearance and although a footpath (PROW) is present separating the site from the river it is rather stark with the character of this part of the frontage being dominated by the existing concrete river wall which provides the flood defence between the application site and the Thames. This is in contrast to the more pleasant landscape character of the river path to the east of the Dartford River crossing.

(154) The Environment Agency (EA) have been extensively involved with this application and in particular its relationship with the TE2100 project. This is a project that seeks to raise the level of flood defences along the Thames to meet the possible river levels of the future and is an issue that the EA raise whenever development on the riverfront is proposed.

(155) In this case, the development includes proposals for raising of the existing flood defences to meet the EA's requirement but the measures proposed go much further than this as the simple raising of ground levels or the river wall would exacerbate existing character/appearance issues and so landscaping is proposed to mitigate this impact. The EA's requirement of no building within 16m of the flood defence wall has also partially dictated the layout of the site (and that of phase 1) with the area adjacent to the flood defence wall used for vehicle parking. This ensures that the area is available for maintenance access for any future engineering works to the flood defence. To ensure that the view from the river walk is not one of the backs of HGV trailers, the applicant is proposing the provision of a mixture of climbing plants on a green wall that runs along the entire length of the front boundary (northern) of the site and also wraps around the corner of the western end of the HGV parking area.

(156) To ensure that the development enhances the appearance of the river frontage, which will encourage use of the footpath, the application includes extensive landscaping and re-modelling to the river frontage. This includes the provision of new wildflower grassland areas. These are divided into two sections, one that extends along approximately 50% of the site frontage and this covers an area of approximately 3000m<sup>2</sup> and runs along the edge of a new river path. The second section is at the north-western corner of the site and has an area of approximately 4,600m<sup>2</sup> and again is immediately adjacent to the riverfront footpath and will be open to the River rather than being included within the fenced boundary of the application site. It is this second and larger area that will accommodate the proposed bee hives referred to above. It should be noted that it is not possible to plant trees in this area due to requirements from the EA to keep the area open for future maintenance. There are also concerns with regard to the impact of roots on the structure of the river defences. It is for this reason that the applicant has chosen the proposed wildflower grassland for these areas and I consider that this is an appropriate landscape character for the riverside in this area.

(157) The application has also been accompanied by an ecological management plan which sets out the future maintenance and management responsibilities for the various areas described above and also the ecology areas that are being created. Future management of these areas will be undertaken by an appointed management company and works will be funded by a service charge built into the lease of the development.

(158) I consider the proposed riverfront improvements to be significant benefits in relation to the consideration of this proposal, both in terms of compliance with the EA's TE2100 policy and also visual and bio-diversity improvements to the riverfront. I also note that the applicant's contribution towards improvements to the Public Right of Way that leads along the western boundary and to the front of the site will encourage leisure usage of the river frontage.

(159) National planning policy requires new development to provide a Bio-Diversity net gain and DPP Policy DP25 requires new development to preserve and where possible, enhance existing habitats and existing ecological quality. I conclude from the above that the proposed development more than complies with this aim, both in the short term and the long term with the securing of long-term ecological management. Additionally, whilst current policy requires Bio-Diversity 'Net-Gain' to be delivered, it is likely that during 2020 a requirement for a 10% net gain in bio-diversity will be introduced and this figure also included within the new draft policy for this site. As it is difficult to put a figure on bio-diversity, DEFRA have produced draft guidance on calculating bio-diversity gain and this requires use of a 'Metrics' tool. Although this guidance has not yet come into force, the applicant has undertaken an assessment and this shows a 15% in net gain for Bio-Diversity as part of this proposal. I therefore consider the landscape and ecological impacts of the scheme to be acceptable.

## Green Space

(160) Policy CS14 (Green Space) advises that the Council will work with its partners to implement a multi-functional, high-quality, varied and well-managed Green Grid. The policy requires that development of over 20ha, should provide at least 30% of the site area as contributing to the Green Grid. Further guidance is also provided which states that the Council is seeking to join together existing sections of Thames Riverside Path to create a continuous high-quality path.

(161) Detailed proposals in relation to ecology areas and riverside improvements are set out above and all of these contribute to the Green Grid network and open space within and around the site. In terms of the percentage calculation, this application proposes 34% of the site area is provided as a mixture of enhanced open spaces, ecology areas, the tree lined boulevard approach to the site and the proposed 'pocket park'. Land off-site is to be enhanced for bio-diversity which will serve the wildlife corridor function of Green Grid. I note that with the exception of the river walk (that is not particularly inviting currently), the current site provides no public open space provision. I also note that in addition to the specific measures set out above, the application provides improved connectivity to the riverfront through the funding proposed for enhancements to the footpath leading from the Bridge development to the Thames Footpath. Furthermore, there are already significant public open space areas already provided

within the Bridge development, to the south of the application site with the footpath improvements providing better connectivity between these and the riverfront.

(162) The ecology areas proposed are not only of benefit to this site but the wider area and enhance wildlife corridors throughout the area. The area between the site and the sub-station to the south is already available as an ecology area, the developer has allowed National Grid to translate Lizard Orchids into this area to facilitate provision of new National Grid electricity equipment.

(163) Given the measures proposed and the fact that the application provides both open space and ecology areas within the site and off-site and also results in enhancement of the riverfront and footpath leading to this (which are identified in the Core Strategy as part of the Green Grid), that the scheme satisfies the requirements and objectives of Policy CS14.

#### Noise Generation

(164) The assessment of noise generation from this development is split into two sections, construction noise and operational noise. Before considering these in detail, it has to be mentioned that this site benefits from the fact that it is remote from residential properties and is largely separated from residential properties by existing commercial development including the large Europa distribution warehouse site that is immediately behind/to the south of the site.

#### Construction Phase

(165) In terms of construction noise levels, the application has been accompanied by a noise assessment which concludes that the impact on receptors will be negligible. This is largely due to the separation set out above. The Council's Environmental Health department have assessed the submitted details and agree with the conclusions.

#### Operational Phase

(166) In terms of existing sensitive properties, generated road traffic noise from the operational phase of the Development, indicate a negligible effect in both the short-term and long-term. This effect is therefore considered not significant. This is largely due to the fact that all HGV's have to travel east when they leave the site which will not take them directly past residential properties.

(167) The conclusion in terms of both short-term and long-term use of the site is that the any change in noise levels will be negligible when assessing operational noise, fixed plant and building services noise. As with the construction phase, the submitted assessment has been checked and accepted by the Council's Environmental Health department. I therefore consider the potential noise impacts of the scheme to be acceptable.

#### Other issues

##### BREEAM/Building Efficiency

(168) Policy CS23 requires new commercial development to demonstrate reductions in energy use through passive design and the layout of development. Policy CS23 provides specific policy in relation to non-residential buildings and requires them to meet BREEAM 'Excellent' rating. Since the publication of this policy BREEAM rating have been amended and the 'Excellent' standard present at the time this policy was written is now 'Very Good' standard. The development is therefore required to meet BREEAM 'Very Good' rating.

(169) Despite the above change in BREEAM ratings, the applicant has confirmed that the building will meet BREEAM 'Excellent' rating. Following the change in BREEAM rating this now sets a higher standard than that sought by DBC's policy. This high rating is achieved through various measures including the use of solar panels on the roof of the building, energy efficient lighting and low water use, in accordance with Policy DP11. From these measures, the

provision of roof mounted solar panels is the most significant as this will generate renewable energy for use within the development or for export to the grid.

(170) Since submission of the application the applicant has been working to increase the power generation from the PV panels and this has increased from 2.45 megawatts (MW) to 3.5 MW which equates to a saving of 1,536 tonnes of carbon savings annually. The applicant's energy statement advises that this is significantly in excess of the savings that would be required to meet DBC Policy and this represents an investment by the applicant of £2.45m.

(171) The 3.5MW roof mounted Photo Voltaic system will provide power to all electrical systems within phase 2, including warehouse and office heating, manual handling and robotics equipment, small power and external Electric Vehicle charging points.

(172) The occupier is committed to no zero emissions from the building. All systems including heating and hot water will be electric and gas is not to be connected to the building.

(173) Should the power demand of the occupier exceed the output from the PV system (i.e. at night or peak operation), the balance will be made up from the UK Power Networks grid. In the event that demand is less than the output from the PV system (i.e. during building operations ramp up or infrequent shut downs), there is an ability to export green energy to the grid.

(174) I consider the efforts that the developer is making to reduce the environmental footprint of the building through measures such as the large PV array proposed to be significant benefits to the scheme that go far beyond planning policy requirements and will ensure a sustainable development which reduces its environmental impact. This could help set a positive benchmark for development in the Borough.

#### Potential Phase 3 and Master planning

(175) The Littlebrook site covers a large area and as set out above, planning consent has already been granted (ref 18/00457/FUL) for a commercial development on what is known as phase 1. This current site is phase 2 and there is potential for future development in the western part of the former power station site and this area is known as phase 3. I consider that it would be useful to consider the current application in the context of a masterplan and what could come forward on Phase 3.

(176) Phase 3 would be a slightly irregularly shaped site and given this it is unlikely to lend itself to a very large single warehouse unit as proposed in this application. Moreover, the provision of a further large single unit is unlikely to be desirable in planning terms given the objectives set out in the Local Plan to provide a mix of commercial development that meets the demand from a range of different types of businesses in the area, including small and medium enterprises. Council officers have been discussing this issue with Locate in Kent, who specialise in assisting with and advising on commercial development in Kent. I also note that the proposed new local plan draft policy for this site seeks to provide a range of uses and development types. I have therefore discussed the need for the provision of smaller commercial units on this site with the applicant (who also owns the phase 3 area) and the applicant is willing to include an obligation within the s106 agreement for the current proposal that secures the provision of smaller units within phase 3 to ensure that master planning of the Littlebrook site as a whole provides a range of commercial floorspace and seeks to meet local business needs as well as larger national companies.

(177) The draft S106 agreement therefore includes an obligation that (subject to planning permission), development within phase 3 shall include employment premises, a minimum of 6,000sqm, that is in the form of units with a size no less than 100sqm and no greater than 500sqm. Phase 3 will therefore deliver a minimum of 12 small commercial units and Locate in Kent have advised that these size of units is built in a suitably flexible light industrial form could support local small scale commercial business. I consider that this ensures a balance development across the whole of the Littlebrook site meeting planning policy objectives and local needs.

## Construction Management Plan

(178) The applicant has submitted a Construction Management Plan (CMP) and this sets out various details with regard to the proposed construction programme and the measures taken to reduce impacts on surrounding occupiers, although this is primarily commercial, and the surrounding area.

(179) The CMP includes details of routing of construction vehicles to/from the site and due to the existing width restriction in Marsh Street, all vehicles over 7.5t have to access the site through the existing commercial/industrial area along Rennie Drive to the east and join the main highway network at the Bob Dunn Way/Jct 1a roundabout.

(180) Despite this, I have been discussing with the applicant further ways of reducing HGV trips to/from the site as far as possible. The construction process will require the importation of 30,000t of aggregates and the applicant has agreed through the CMP to import these into the site using the river and the existing jetty. It is estimated that this will save 4,000 HGV movements during the construction process and I consider this to be an important consideration in relation to the consideration of construction impacts and the efforts that the developer is making to reduce impacts arising from the development. For example, 99% of all materials resulting from the demolition have been re-used on site.

(181) In addition to the above measures, the developer will be providing car parking for contractors/staff but will also be seeking to reduce car trips to/from the site. This will be through a range of measures including the use of minibus services to the train station or other pick up points. Contractors will be provided with information packs aimed at reducing the number of cars travelling to the site and in addition to the above, car sharing will be promoted and cycle storage will be provided. I also note that the site is within walking distance of the Fastrack service.

## Health and Safety Executive

(182) As noted, in the Consultations section, the Health and Safety Executive (HSE) have been consulted on this application. The need to consult with the HSE on planning applications is triggered by the proximity of development to consented hazardous substances sites. In this case the former power station included a hazardous substances storage facility as hazardous materials were required in connection with the former use. Such consents run with the land and remain live even where the former power station has been developed, unless ownership of the land in question is split between different owners. In this case the developer took possession of the whole site and when the application was originally submitted and consultation undertaken with the HSE, the HSE advised against the grant of planning permission. This is due to the fact that the HSE's approach is to resist new development near to existing sites where there may be a risk to human health. However, following discussions with the applicant DBC have revoked the previous Hazardous Substances consent and referral of the application to the HSE is consequently no longer required.

(183) An additional consideration is the legislative position with regard to additional floorspace that could be provided by the applicant without consent. Section 55 of the Town and Country Planning 1990 Act sets out what is considered to be development and if operations are considered to be development. The General Permitted Development Order then grants planning permission for certain types of development known as 'Permitted Development'. Building operations that do not meet the description or conditions of Permitted Development rights require planning permission. This 'stepped' approach to planning controls is important in the consideration of this issue and this application.

(184) Prior to 2006, the provision of new internal floorspace required planning permission as this was considered to be operational development that increased the floorspace of a building and it was allowed as 'Permitted Development'. However, in 2006, the Government amended section 55 of the Town and Country Planning Act and, with the exception of retail premises, declared that additional internal floorspace does not constitute development. The consultation

document related to the relaxation of these rules advised that a benefit was the more efficient use of land.

(185) The applicant's position is that this is a material consideration in the determination of this application and this approach by Government also suggests that the little weight is given to potential additional impact from such internal floorspace. (The Government's aim of removing restrictions on the provision of additional internal floorspace was to allow the most efficient use of land). I do give this view significant weight, particularly as in altering the legislation, no limit was imposed on the amount of internal floorspace that could be provided. Also, given the legislative position that unlimited additional mezzanine floorspace would not constitute development, it would be difficult to justify a form of planning control that limits or prevents the provision of such floorspace.

(186) I consider that the cap on the number of vehicles and the exceedance penalties set out in the proposed s106 in fact does allow some mitigation and control over the traffic generation from such internal floorspace.

#### PLANNING OBLIGATION

(187) Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests.

(188) This application includes a S106 agreement and this secures the following benefits/mitigation. These items are considered essential to the acceptability of the scheme and provide significant benefits to the proposal. The details of these items is set out further in the relevant sections of the assessment above but are summarised as below.

- I. A public footpath contribution (£109,200)
- II. A restricted Byway contribution (£120,000)
- III. A General monitoring contribution (£25,000)
- IV. Provision of ecology areas and an ecological management plan for 30 years as set out in paragraphs 144 to 152.
- V. A vehicle cap mechanism, including specific vehicle and HGV limits within peak hours, details of monitoring systems and reporting processes, penalties for exceedances of the capped levels and monitoring contributions to DBC & KCC as set out in paragraphs 73 to 77.
- VI. A contribution (£2.3m) towards traffic improvement measures in and around Junction 1a of the A282
- VII. A vehicle monitoring contribution (£4k to DBC & KCC each annually).
- VIII. A cap on non-Euro VI compliant HGV's
- IX. Securing the provision of small units within 'Phase 3' as set out in paragraphs 175 to 177.

- X. The provision of a shuttle bus service with a minimum bus capacity of 40 passengers with 2 services provided to 2 locations at each shift change. The bus service is also to be provided free of charge to employees.
- XI. Compliance with a Travel Plan and employment of a Travel Plan coordinator.
- XII. Provision of Fastrack link cycle facilities as set out in paragraph 91.

#### FINANCIAL BENEFITS

(189) Under section 75ZA of the Town and Country Planning Act, officer reports to the Development Control Board are required to include a list of 'financial benefits' which are likely to be obtained by the authority as a result of the development. A 'financial benefit' must be recorded regardless of whether it is material to the Council's decision. Government advice is that the decision maker should consider whether it is a material consideration in the consideration of a planning application.

(190) In this particular case the following are the 'financial benefits' which I am aware of:  
Community Infrastructure Levy: CIL is charged on the net increase in floorspace of the proposed development and in this case a chargeable area of 217,268 square metres results in a CIL liability of approximately £7.5m (including indexation) and will be paid in accordance with the Council's instalment policy. As Members are aware the CIL money achieved from developments goes into a pot and must be used to fund infrastructure to support development in the area, this can include new schools, health facilities and highway improvements where the money will be paid to the authorities responsible for providing these services. I consider that this is a material consideration with regard to this proposal, as if the development were to commence, CIL monies received will assist in the delivery of infrastructure projects that support local development.

#### HUMAN RIGHTS IMPLICATIONS

(191) I have considered the application in the light of the Human Rights Act 1998. I am satisfied that my analysis of the issues in this case and my consequent recommendation are compatible with the Act.

#### PUBLIC SECTOR EQUALITY DUTY

(192) Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

#### ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

(193) In relation to the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, the proposal constitutes Schedule 2 development for which an Environmental Statement has been submitted. I consider the mitigation set out in the submitted ES to be reasonable and required to make the development acceptable.

#### CONCLUSIONS AND REASONS FOR RECOMMENDATION

(194) The application proposes a commercial use on a former power station site. Although the site has no land use allocation or preferred use as set out in the Council's Development Plan, the proposed use is considered to be acceptable in principle, particularly when considering the previous use of the land and the fact that this is clearly brownfield land. I also consider the published draft policy for this site to be of some relevance in assessing the principle of commercial development. In addition to this I consider that the commercial/industrial nature of the surrounding occupiers lends further weight to the commercial use of this site. I also consider there are significant benefits to the scheme with the provision of development on a

brownfield site and with large investment in the area including the generation of significant employment opportunities.

(195) The applicant has amended the scheme to overcome the concerns of the EA with regard to the detail of works on the riverfront and the scheme will provide ecological enhancement in the area with the provision of 2 designated ecological areas together with enhancement of other areas and long-term maintenance through the ecological management plan. The proposed improvements to the riverfront, the provision of ecology areas and provision of other features such as the proposed tree-lined approach road and the provision of the 'pocket park' are secured via the proposed planning conditions and proposed legal agreement. I therefore consider that the scheme proposes a net-gain in terms of bio-diversity provision and also proposes sufficient landscaping and open spaces to both provide a suitable setting for the building and to also provide facilities for the enjoyment of surrounding occupiers.

(196) This is a significant scheme and one which has the potential to generate significant traffic levels and consequential impact on the surrounding highway network. However, the scheme includes a significant number of initiatives/measures to reduce and mitigate traffic impacts as set out below:-

- A contribution of £2.3m towards highway improvements at Jct 1a of the A282
- The provision of 2 x shuttle buses, free of charge to employees
- Improvement of the A282 southbound merge/Generous cycle parking provision
- A cycle link scheme to encourage use of Fastrack
- A vehicle cap mechanism with severe penalties
- A Travel Plan (with reviews) and employment of a Travel Plan coordinator
- Walking and cycle routes to the development

(197) Some of the above elements such as the scale of the free shuttle bus for employees are unique to Dartford for a logistics scheme of this type and will offer significant traffic reduction benefits. I also consider that the provision of the contribution for Junction 1a, and the works already proposed by HE are important considerations in the assessment of this scheme. Furthermore, the specific mitigation proposed by the applicant to the southbound A282 slip road will bring benefits to this junction. I therefore conclude that whilst this scheme will generate significant levels of traffic if planning permission is granted appropriate mitigation and controls can be put in place to ensure that the scheme does not have a significant adverse impact on the surrounding highway network and that these controls can be maintained into the future.

(198) In addition to the operational impacts of the proposed development, consideration has also been given to the impacts during the construction phase and given the location of the site and the fact that it is set several hundred metres from the closest residential properties, direct impacts from construction works will be very limited. I also note that the applicant has confirmed use of the Jetty during construction for the importation of 30,000 tonnes of aggregate and this will save approximately 4,000 HGV trips with the associated benefits with regard to congestion and air quality.

(199) With regard to air quality, this has been subject to detailed assessment as set out above and the Council's consultant has confirmed that the proposal will not have a significant adverse impact. Additionally, there are important considerations in relation to the air quality impacts of this development such as the commitment by the developer to a maximum number of non-Euro VI compliant vehicles that will be operated. I consider this a unique and significant benefit of the scheme that will mitigate impacts of the scheme on the local environment. Additionally, the provision of the shuttle buses will assist with air quality impacts as well as congestion by discouraging car use. The further measures secured by the scheme being the proposed Fastrack/cycle scheme and the 40 electric vehicle charging spaces will also assist, particularly

as set out below sufficient electricity will be generated from photovoltaic panels to power these charging points. From the above, I conclude that the applicant is doing all that is reasonable to reduce air quality impacts from this development both initially and also in future years and the Council's Air Quality consultant was asked to consider this point in assessing the scheme. I consider the air quality impacts to be acceptable.

(200) The scheme also includes significant measures to improve the sustainability of the building and to reduce emissions including the significant investment by the developer in photovoltaic panels to produce electricity for use on site. This is part of the applicant's intended measures to achieve a BREEAM excellent rating, which is higher than that required by planning policies.

(201) I have also considered above the visual impacts of this scheme and its impact on the character and appearance of the surrounding environment. The proposal is for a large industrial building but this is located within an existing industrial/commercial environment both on this side of the Thames and also on northern banks of the river. The proposed scheme is not out of place in relation to either design or scale and I consider it to be a suitable development on this site.

(202) The application is accompanied by an extensive ES which considers the potential benefits and impacts of the scheme and this has been taken into consideration in the determination of this scheme. Following consultation on the ES and consideration of the responses from consultees I am satisfied that the ES demonstrates that the adverse residual effects of the scheme can be sufficiently mitigated and that the scheme will result in benefits as identified in the ES.

#### **RECOMMENDATION:**

That planning permission be granted for the reasons set out in the report subject to the following conditions and the satisfactory prior completion of a Section 106 Agreement as set out within the report within six months of the date of this resolution.

That delegated authority be given to the Development Manager to make minor amendments to the conditions and drawings numbers as necessary prior to the issue of the planning permission.

Conditions:

- 01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 01 In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
- 02 The development shall be carried out in accordance with the following plans and documents:

Plans:

- 18087\_P01 Location Plan
- 18087\_P03C Proposed Site Layout
- 18087\_P04B Proposed Elevations
- 18087\_P05\_PROPOSED GROUND AND FIRST FLOOR PLANS
- 18087\_P06\_PROPOSED SECOND AND THIRD FLOOR PLANS
- 18087\_P07\_PROPOSED ROOF PLAN
- 18087\_P08A Proposed Building Sections
- 18087\_P09A Proposed MSCP Level 0 Layout
- 18087\_P10\_PROPOSED MSCP LEVEL 1 LAYOUT
- 18087\_P11A Proposed MSCP Elevations and Sections
- 18087\_P12B Proposed Main Gatehouse
- 18087\_P13B Proposed Seasonal Gatehouse

- 18087\_P14B Proposed Pre-check in Gatehouse
- 18087\_P15A Proposed Cycle Shelter
- 18087\_P16A Proposed Bus Shelters
- 18087\_P17A Proposed Smoking Shelters
- 18087\_P18B Proposed Sprinkler Tanks and Pumphouse
- 18087\_P19C Proposed Fencing Layout
- 18087\_P20\_Proposed Lay-By Bus Stop
- 18087\_P21\_ Access Gates for Maintenance
- 7690\_L-12D Landscape Proposal
- 7690\_L-10D Landscape Proposal
- 7690-L-11D Landscape Proposal
- 7690-L-08D Landscape Proposal
- 7690-L-09D Landscape Proposal
- 7690-L-07D Landscape Proposal
- 7690-L-30\_A Green Wall Sections
- 7690-L-31\_A Green Wall Sections & Elevations
- TRC4048\_50\_T3 Unit 2 Drainage Layout
- TRC4048\_53\_T4 Surface Water Pump Station Details
- TRC4048\_55\_T4 Outfall Chamber Details
- TRC4048\_70\_T7 Flood Defence Improvement Works
- TRC4048\_71\_T9 Flood Defence Improvement Works
- 4048-SK003 Drainage Cross Section
- 4048-SK004 Flood Defence Warning Signage
- 4048-SK005- Piled Wall Channel Detail
- 4048-SK006 Flood Defence Improvement Works
- 500MMX100MMX10MM Capping Channel

## Documents

- Environmental Statement Volumes 1, 2 & NTS (Barton Willmore) October 2019 & EIA Statement of Conformity Dated 17th April 2020
- Archaeological Desk Based Assessment (CGMS) September 2019
- Geoarchaeological Post Excavation Assessment (MOLA) October 2018
- Report on Geoarchaeological Borehole Investigation (MOLA) April 2020
- Transport Assessment (Vectos)
- Transport Assessment Addendum February 2020 (Vectos)
- Construction Management Plan (April 2020)
- Landscape Management Plan (FPCR) May 2020
- Ecological Management Plan (Ecology Solutions) January 2020
- Foreshore Area Ecological Management Plan (Ecology Solutions) May 2020
- Quantitative Risk Assessment & Remediation Method Statement (WSP) November 2017
- Supplementary Ground Investigation Report (WSP) April 2018
- Phase 1 and 2 Surrender Site Condition Report (WSP) October 2018
- Phase 1 and 2 Site Closure & Remediation Validation Report (WSP) June 2018
- Trial Pit Investigation V2 (WSP) May 2019
- Littlebrook Power Station Unit 2 River Wall Ground Investigation Factual Report (WSP) August 2019
- Unit 2 Ground Investigation - Geoenvironmental Assessment (WSP) August 2019
- Unit 2 Ground Investigation Factual Report (WSP) August 2019
- Phase 1, 2 and 2B Surrender Site Condition Report (WSP) February 2020
- Littlebrook Piling Works Assessment 1.2 (2018-04-05)
- Littlebrook Piling Works Assessment Addendum (March 2020)
- 19-046 BREEAM New UK Construction 2014 Pre-Assessment (MBA) October 2019
- 19-046 Energy Strategy (MBA) October 2019
- ENERGY STATEMENT ADDENDUM Dated 20th March 2020
- Phase 2 Flood Defences Geotechnical Interpretative Report (WSP) April 2020
- Phase 2 Flood Embankment Geotechnical Design Report (WSP) May 2020
- E7623A-BRL-00-XX-RP-X-0010 C5 Sheet Pile Retaining Wall & Sheet Piling Design Report (Berryrange)

- 514-628 Littlebrook Dive Survey Report (KAM) 20180918
- 514-628 Confirmation Statement (Dive Co Marine) 18 March 2020
- Western Jetty Study 16.12.19

- 02 For the avoidance of doubt and to ensure a satisfactory form of development.
- 03 Before the development hereby permitted is constructed beyond slab level details and samples of all materials to be used externally shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 03 To ensure that the development is of the appropriate quality and appearance and does not harm the visual amenity of the locality in accordance with Policy DP2 of the adopted Dartford Local Plan.
- 04 No stockpiles shall be formed within 16 metres of the Thames Tidal Flood Defences.
- 04 To minimise the risk of damage to the tidal defences and preserve operation access.
- 05 If during any works contamination is encountered which has not previously been identified, then no further construction works within that part of the site where the contamination is found shall be carried out until the developer has submitted and received approval of an assessment of the unsuspected contamination together with an appropriate remediation scheme that is implemented as approved.
- 05 In the interests of safety and amenity in accordance with Policy DP5 of the adopted Local Plan and/or the protection of Controlled Waters.
- 06 The development hereby permitted shall be constructed in accordance with the approved Construction Management Plan dated 23rd April 2020 or any subsequent Construction Management Plan submitted to and approved in writing by the Local Planning Authority.
- 06 To ensure construction impacts of the Development are minimised in accordance with Policies DP3, DP4 & DP5 of the adopted Development Plan.
- 07 The flood defence works comprising the steel sheet piled flood defence wall, the raised earth flood embankment and the improvement works to the existing outlet shaft shall be carried out in accordance with the following drawings and documents:
- 4048-70 T7 and 4048-71 T9 Flood Defence Improvement Works;
  - 4048-SK003; 4048-SK004; 4048-SK005; 4048-SK006;
  - 500MMX100MMX10MM Capping Channel
  - The Sheet Pile Retaining Wall, Sheet Piling Design Report, prepared by Berryrange (Reference E7623A-BRL-00-XX-RP-X-0010 C5); and
- The works as highlighted in the above documents shall be implemented in full prior to completion of the main building structural floor slab, and shall be maintained as such thereafter.
- 07 To protect the development from the risk of flooding, to ensure that the Thames Tidal flood defences are robust, with a lifetime of no less than 100-years and to satisfy the requirements of the Thames Estuary 2100 Plan.
- 08 Piling or any other foundation designs using penetrative methods shall only be permitted where it accords with the Littlebrook Station Piling Works Assessment Revision 1.2 (2018-04-05) and the Addendum Littlebrook Piling Works Assessment (19th March 2020). Any other form of Piling or penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that

there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

- 08 To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.
- 09 Notwithstanding the details shown on the submitted plans, further details of the pocket park including facilities for users, planting within the park and tree planting along the adjacent roadway shall be submitted to and approved in writing by the Local Planning Authority. The details/facilities agreed shall be provided in full in accordance with the approved details prior to occupation of the development and the associated landscaping shall be implemented within the first planting season following occupation, and shall thereafter be maintained at all times.
- 09 In the interests of visual amenity pursuant to Policy DP2 of the adopted Development Plan.
- 10 Prior to first occupation of the building in its completed state as a B8 logistics unit hereby permitted, details of management measures to prevent HGV parking on surrounding roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved management plan.
- 10 To ensure that surrounding estate roads are kept clear of traffic in the interests of the free flow of traffic pursuant to Policy DP3 of the adopted development Plan.
- 11 Prior to first occupation of the development hereby approved riparian life-saving equipment shall be provided along the riverfront in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be maintained in accordance with the approved details.
- 11 In the interests of the safety of the people using the river and the river wall footpath.
- 12 Prior to occupation of the development hereby approved, Electric Vehicle Charging Points shall be provided in accordance with the details set out on drawing number 18087\_P03C, including the provision of the necessary ducting to allow the future provision of the additional Electric Vehicle Charging Points.
- 12 To ensure that EV charging points are provided and maintained for the future occupiers of the site as a way of addressing air pollution in accordance with Policies DP3 and DP5 of the Dartford Development Policies Plan.
- 13 The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 13 To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 14 Prior to first occupation of the development hereby approved, car parking facilities shown on the approved plans shall be provided and shall be permanently maintained thereafter.
- 14 To ensure the permanent retention of satisfactory facilities in accordance with the Local Planning Authority's standards and Policies DP4 and DP5 of the adopted Dartford Local Plan.
- 15 The development shall not be occupied until the ecology areas, Green Wall to the Riverside and riverside improvements as set out on the approved plans have been provided in full and are available for use in accordance with the approved details with related landscaping elements being provided during the first planting season following occupation of the building.
- 15 To ensure that the bio-diversity and open space enhancements are provided in accordance with Policy CS16 of the Core Strategy.
- 16 Prior to first occupation of the development hereby approved, the footway/cycleway works shown on the approved plans (Drg 172881\_AT\_07.1 Rev B Phase 3 Access Road Layout) shall be provided and shall thereafter be permanently made available for use for both staff and the general public and maintained in a suitable condition.
- 16 To encourage sustainable methods of transport in accordance with Policies DP2 and DP4 of the adopted Dartford Local Plan.
- 17 Prior to first occupation of the development hereby approved, a Delivery and Servicing Management Plan, including provision for regular reviews and monitoring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed plan.
- 17 To ensure that the development does not have an adverse impact on surrounding occupiers and the road network in accordance with policy DP3 of the adopted Local Plan
- 18 Before the development hereby permitted is occupied, a management plan for the car park shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:-
  - Details of the introduction of further Electric Vehicle Charging Points
  - Details of the management of both Disabled Parking Spaces and Electric Vehicle Charging Points.

The car park shall be operated in accordance with the approved management plan for the lifetime of the use hereby approved.
- 18 To ensure that adequate parking facilities are provided in accordance with Policy DP4 of the adopted Development Plan.

Note: With regard to condition 18, this condition is proposed to ensure that the allocation of spaces for Disabled use and/or Electric Vehicle Charging use does not have an adverse impact on the availability of car parking spaces and that further electric vehicle charging points are provided to meet demand.
- 19 Prior to the occupation of the development hereby approved, a Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall set out measures to minimise impacts from the development on the surrounding road network when there is a traffic incident/severe congestion on the road network surrounding the application site. The development shall be operated in accordance with the approved Traffic Management Plan for the lifetime of the use hereby approved,

- 19 In the interest of minimising the traffic impacts of the development in accordance with Policy DP3 of the adopted Development Plan.
- 20 The development hereby permitted shall not be occupied until:
- a) the preliminary design of an acceptable improvement to the A282 Southbound merge to provide a Type B merge layout is completed, including a Stage 1 Road Safety Audit and any amendments arising from the audit and approval in principle by Highways England of any Design Manual for Roads and Bridges Departure and evidence has been submitted to the local planning authority that this is the case. The design shall be based on an accepted departure from DMRB of a Type B merge layout rather than Type D.; and
  - b) an agreement under s.278 of the Highways Act 1980 has been entered which secures the implementation and completion of those works.
- 20 In the interest of minimising the traffic impacts of the development in accordance with Policy DP3 of the adopted Development Plan.  
Note For the avoidance of doubt, with regard to condition 20 the design has to be acceptable to Highways England.
- 21 Before the development hereby permitted is first occupied, shall secure the implementation of a programme of post-fieldwork archaeological analysis, reporting, archiving and publication in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.
- 21 To ensure that the heritage of Littlebrook Power Station is accessible to future communities in accordance with the NPPF.
- 22 Before the development hereby permitted is occupied, details of the layout and locations of heritage interpretation boards (as shown in Heritage Report ref RC/23477/03) shall be submitted to and approved in writing by the Local Planning Authority and the Boards agreed shall be provided within 3 months of occupation of the development.
- 22 To ensure that the heritage of Littlebrook Power Station is accessible to future communities in accordance with the NPPF.
- 23 The development hereby permitted shall not be occupied until such time as a pedestrian crossing has been provided on the eastern arm of the junction of the site access and Rennie Drive in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- 23 In the interests of pedestrian and highway safety pursuant to policies DP3 & DP4 of the adopted Development Plan.
- 24 The flood defence works as shown on the approved drawings shall be completed prior to occupation of the development hereby approved and 'As Built' drawings and construction records of the flood defence works shall be provided to the Local Planning Authority within 3 months of completion of the flood defence works.
- 24 For the avoidance of doubt and to ensure compliance with the requirements of the Thames Estuary 2100 Plan.
- 25 The landscaping scheme hereby approved as an integral part of the development shall, at the latest, be implemented during the first planting season (between October and March inclusive) following fitting out of the development and shall thereafter be maintained for a period of five years. Any trees, shrubs or grassed areas which die, are diseased or vandalised within this period shall be replaced within the next planting season.

- 25 To safeguard the visual amenities of the locality in accordance with Policies DP2 and DP25 of the adopted Dartford Local Plan.
- 26 There shall be no deliveries of goods to/from the premises using private cars and all vehicles shall be loaded only at the dock leveller bays hereby approved.
- 26 To ensure that there is not a significant adverse impact on the surrounding Highway Network, pursuant to Policy DP3 of the adopted Development Plan.
- 27 The building hereby permitted shall be used for uses within Class B8 of the Town and Country Planning (Use Classes) Order 1987, (or any Order amending, revoking and re-enacting that Order) and shall not be used for retail sales or for the collection of goods by customers.
- 27 The development is considered unsuitable for retail use and in the interests of amenity and highway safety in accordance with Policies DP2, DP3 & DP5 of the adopted Local Plan.
- 28 The office accommodation hereby permitted shall be used only as offices ancillary to the main use of the premises within Class B8 and for no other purpose whether permitted or not by virtue of the provision of the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order amending, revoking and re-enacting that Order).
- 28 The unrestricted use of the office would be likely to give rise to a demand for parking spaces, beyond the capacity of the on-site facilities resulting in inconvenience to road users contrary to Policy DP3 of the adopted Dartford Local Plan.
- 29 The land between the foreshore of the River Thames, extending south to the line of the Security fence as shown on the proposed Layout Plan 18087\_P03 C; and on Ecology Solutions Plan ECO2\_A and ECO3\_B (appended to Ecological Solutions Foreshore Area Ecological Management Plan May 2020) shall be managed and maintained in accordance with the Ecology Solutions Foreshore Area Ecological Management Plan (May 2020) Reference 7614.EMP (Foreshore) VF1.
- 29 To ensure that the flood defence embankment can be effectively inspected, to allow needed access and to minimise the risk of flooding to the development and for the benefit of wildlife.
- 30 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 30 To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.
- 31 The development hereby permitted shall not be sub-divided without the prior written consent of the Local Planning Authority.
- 31 To enable the Local Planning Authority to retain control over the operation in the interest of Policies DP3 & DP4 of the adopted development plan.
- 32 The development shall be constructed in accordance with the details and measures set out in the Energy Strategy Report dated 17th October 2019 such that a BREEAM rating of 'Excellent' is achieved.
- 32 To ensure that the development meets the objectives of energy efficiency in new building design and construction pursuant to policy CS23 of the adopted Dartford Core Strategy.

- 33 The potential to utilise the jetty known as the western jetty located immediately in the riverward side of the application site, for river related activities shall be pursued and a report shall be prepared and submitted to and approved in writing by the local planning authority. The report shall be submitted a maximum of one year after the commencement of development and bi-annually thereafter demonstrating the steps which have been taken to achieve such river related use.
- 33 To encourage river-related uses pursuant to Policy CS6 of the Dartford Core Strategy.
- 34 A green wall no less than the height and width of the sheet piled wall as shown on FPCR Drawings 7690\_L\_30 A and 7690\_L\_31 A shall be built in accordance with 7069\_L\_08; MMA Vertical Rope & Greening Specifications and shall be brought into use during the first planting season following occupation of the development.

The Green Wall shall be provided and maintained in accordance with the following:-

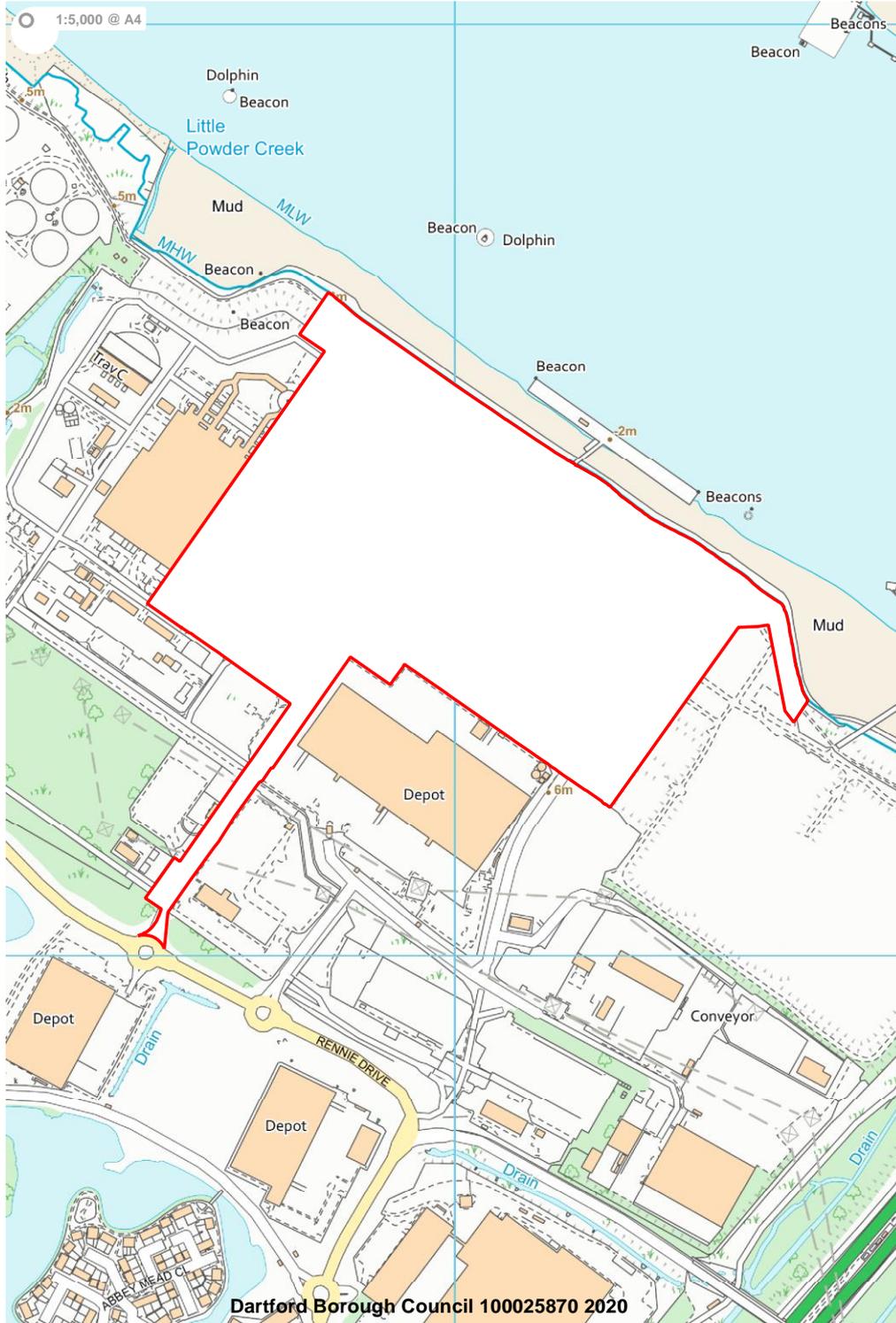
1. Monitored and managed in accordance with the FPCR Landscape Management Plan (May 2020).
  2. Planted in accordance with the details set out in the Management Plan.
  3. Performance of the Green Wall, including the necessity for an irrigation system shall be regularly inspected/reviewed (at least annually) during the first 5 years from completion, including both a photographic record and an ecological survey/ review which will feed into an annual report that shall be provided to The LPA. The report shall provide recommendations for any improvements, including an irrigation system as necessary to the Green Wall and associated planting/habitat or other amendments to the ongoing maintenance.
  4. If the above review indicates that there are identified matters for improvement as agreed with the LPA, a Remediation Plan setting out the specific remediation and improvement works to be undertaken shall be submitted to and approved in writing by the LPA1.. These works will be implemented in full within one year of agreement to the Remediation Plan and will include continued maintenance for an agreed period.
- 34 To ensure an ecological benefit as part of the development, and in the interests of visual amenity.
- 35 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 35 In the interests of public safety and in order to prevent the pollution of the ground, water courses or underground water supplies in accordance with Policy DP5 of the adopted Dartford Local Plan.

## **INFORMATIVES**

- 01 If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on Dartford Council's Website (<http://tinyurl.com/DartfordCIL>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local

land charge against the relevant land.

- 02 The applicant is advised that this permission is granted subject to the requirements and contributions as set out in the accompanying completed Section 106 agreement.
- 03 The applicant is advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should contact the Public Rights of Way Office at Kent County Council before commencing any works that may affect the Public Rights of Way. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phase) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 04 In accordance with Article 35 (4) of the Town & Country Planning (Development Management Procedure) Order 2015, the application has been considered with regard to the information provided in the application, including the submitted Environmental Statement.



<b>Application No.:</b>	19/01515/FUL
<b>Address :</b>	Littlebrook Power Station Rennie Drive Dartford Kent DA1 5PT
<b>Date:</b> 28 May 2020	<b>Scale:</b> Not to Scale