

# STATEMENT OF COMMON GROUND ON BALTIC WHARF BETWEEN MAIDSTONE BOROUGH COUNCIL (MBC) & BALTIC WHARF (MAIDSTONE) LTD (BWML).

## MAIDSTONE LOCAL PLAN 2016 PUBLIC EXAMINATION.

### 1) Site Description:

- 1.1 The Baltic Wharf site consists of two areas of land on the east side of St Peter's Street, Maidstone with a combined area of 1.58 hectares (ha). The larger part of the application site is occupied by the large, six-storey Powerhub building, to the north of which is Raglan House a much smaller three-storey building, while to the south are single storey buildings known as "The Sheds". The smaller part of the site lies to the north and is referred to as The North Car Park.
- 1.2 The attached plan "Baltic Wharf Site - Existing Uses" (Appendix 1) shows the layout and distribution of uses within the site.
- 1.3 Appendix 2 attached is a schedule of floorspace (provided by the landowner and not verified by the Council) and uses at Baltic Wharf.
- 1.4 The Powerhub listed buildings contains some 13,418 square metres (m<sup>2</sup>) of floorspace. It was last used as a business centre having been sub-divided internally into units for occupation by individual businesses. The Powerhub business centre was not successful and the site ended up in receivership. The majority of the Powerhub building is no longer fit for occupation and, apart from a small administrative office for the site manager on the ground floor, is vacant.
- 1.5 Raglan House was used as part of the business centre and contains 770 m<sup>2</sup> of floorspace let to a variety of B1 and D2 uses.
- 1.6 The Sheds containing 4,823 m<sup>2</sup> of floorspace are currently partly in retail (open A1) use, B2/B8 use and partly in D2 use. They have extant planning permissions or a certificate of lawfulness for open A1, B1, D1 and D2 uses. Of this floorspace, 2,596 m<sup>2</sup> can be occupied by open A1 retail use.

### 2) Listing of the Powerhub building:

- 2.1 The Powerhub building was Grade II listed by the then English Heritage (now Historic England) in February 2012. The principal reasons for the listing are:
  - Historic interest: the building is the earliest surviving by the practice of Wallace Gilbert and Partners the foremost factory architects of the inter-war period; it is also one of the earliest surviving examples of their early Daylight factories not to have undergone significant alteration
  - Technical interest: the building is one of a few surviving examples of a group of English factories built using the Kahn Daylight System, an adaptable, efficient and influential

system of factory building, developed in America for construction of automotive factories;

- Architectural interest: the front elevation of this imposing building employs the compositional devices and decorative motifs which became synonymous with the work of Wallis Gilbert and Partners : the powerful rationality of its other elevations expresses the modern approach to industrial architecture that its design construction and layout embodies.

2.2 At the same time as the Powerhub building was listed, English Heritage declined to list the attached office building Raglan House. However, Raglan House and The Sheds are physically attached to the Powerhub building and thereby curtilage listed.

2.3 The Powerhub building was listed after BWML purchased the site from the receiver in October 2011.

### **3) Extant permissions:**

3.1 The most recent and relevant extant permissions (including a certificate of lawful use) are contained in the table at Appendix 3.

### **4) Submission Maidstone Borough Local Plan :**

4.1 The submission Maidstone Borough Local Plan (SUB 001) does not include a specific site allocation policy for the Baltic Wharf site; the site is 'white land'. The site is within the town centre boundary within which Policies SP4 – 'Maidstone Town Centre' and Policy H2(1) – 'Maidstone town centre broad location for housing growth' apply.

4.2 The Council has not included Baltic Wharf in its assessment of new housing provision in Maidstone town centre under amended Policy H2(1) but considers the site has potential to deliver housing in the latter part (2026 to 2031) of the Local Plan period as a windfall site.

### **5) Viability:**

5.1 In the context of heritage assets, such as the Powerhub listed building, securing a viable use consistent with its conservation is the key to the assured long term conservation of the asset.

5.2 Viable use and optimum viable use have the meanings ascribed to them in Planning Practice Guidance entitled "Conserving and enhancing the historic environment" (Paragraph: 015 Reference ID: 18a-015-20140306)

### **6) Alternative funding sources**

6.1 The Homes and Communities Agency (HCA) does not provide gap funding to improve the viability of redevelopment schemes that might otherwise not proceed. The HCA will make loans, which must be repaid with interest. Loans are only made on viable schemes which would rule out HCA involvement in an unviable residential redevelopment of Baltic Wharf such as the one previous considered.

6.2 The Heritage Lottery Fund (HLF) through its Heritage Enterprise programme can provide grants of from £100,000 to £5 million for projects that seek to achieve economic growth by investing in heritage.

6.3 The private for-profit sector may engage with Heritage Enterprise projects in several ways, such as:

- By forming a development partnership with a not-for-profit group. In this way the commercial company will invest in some of the capital costs and take back a return from the rental income generated by the business occupation of the conserved heritage. The amount taken back will be a reasonable return on their investment.
- By occupying and setting up their businesses in refurbished historic buildings, paying market rents to the not-for-profit organisation or partnership that manages the heritage asset. This will generate revenue for the not-for-profit sector to maintain the heritage asset in the future as well as providing a reasonable return to reinvest in their core activities.
- By providing some of the capital alongside HLF grant for the conservation and adaptation of the heritage asset. In such cases, the investing company is likely to own or have a long leasehold of the heritage asset, but will enter into a lease arrangement with a not-for-profit organisation for at least the duration.

The non-for-profit organisation could include MBC.

6.4 Heritage Enterprise can fund:

- the purchase of a heritage asset in need of investment;
- essential conservation work, such as structural repairs to a historic building;
- work to bring vacant and derelict buildings and sites back into commercial use.

6.5 As a guide, the following are unlikely to win support:

- projects with a focus on residential rather than commercial development;
- projects where the main focus is
  - an urban park; or
  - an active place of worship.

6.6. There are no MBC grants for repair and restoration and ongoing conservation of listed buildings.

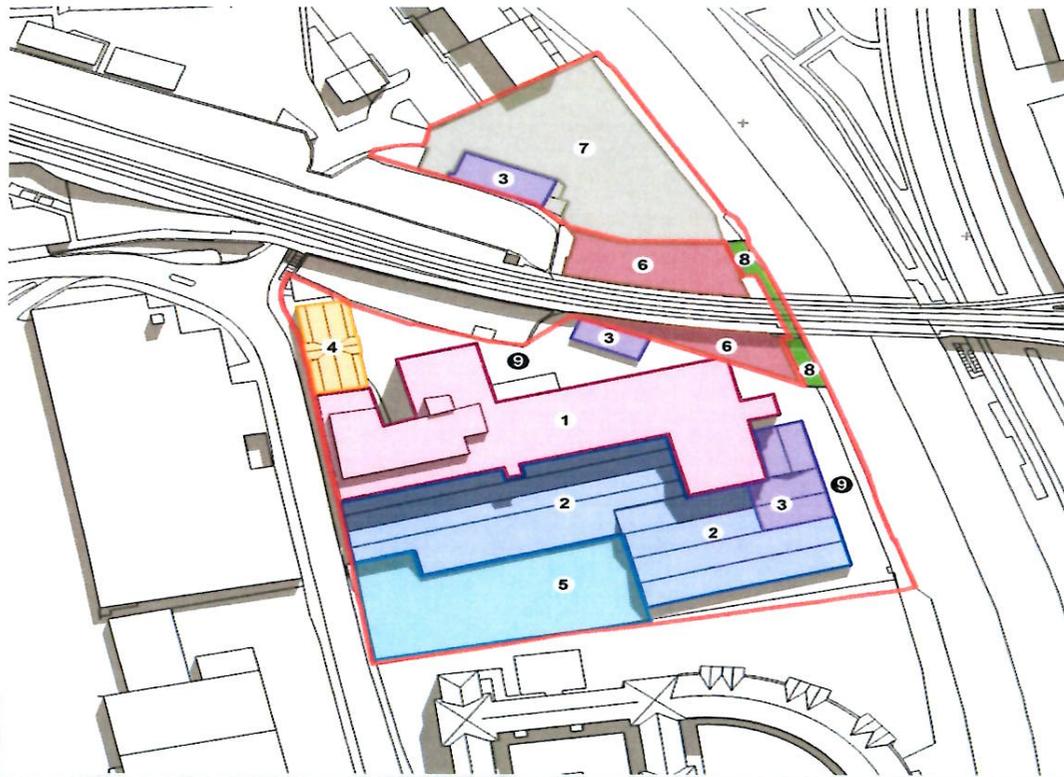
## 7.0 Chronology of Events

Date	Event
October 2011	Powerhub building and adjoining land at Baltic Wharf acquired by the present owners.
17 <sup>th</sup> February 2012	English Heritage lists the Powerhub building (Grade II)

21 <sup>st</sup> March 2012	English Heritage issues a Certificate of Immunity for Raglan House. Certificate expires 20 <sup>th</sup> March 2017.
February 2013 – January 2014	<p>Application MA/13/0297 to MBC dated 20<sup>th</sup> February 2013 for “Detailed planning permission for the change of use of, and alterations and additions to, the existing Powerhub building to provide a mix of Class A1 (foodstore), A2 (professional and financial services), A3 (cafes and restaurants), B1 (employment) and D2 (assembly and leisure) uses; and outline permission, with all matters reserved except for access, for a new building for Class A1 (foodstore) use with associated car parking, and other operational development including provision of pedestrian and vehicular access and a new riverside walkway; together with demolition of Raglan House and other buildings and structures and demolition of parts of the Powerhub building.”</p> <p>Decision notice dated 9<sup>th</sup> January 2014: had an appeal not been lodged against the Council's failure to determine the application within the statutory period, the Local Planning Authority under the Town and Country Planning Acts, WOULD HAVE REFUSED PLANNING PERMISSION.</p> <p>MA/13/0298 dated 20<sup>th</sup> February 2013: to MBC application for Listed Building Consent for demolition of parts of the Powerhub building and works to facilitate the refurbishment and re-use of the building including removal, reconstruction and reconfiguration of the north wing, removal of stairwell and lift shaft to the east elevation, removal of electrical switchgear building, removal of central south wing (lift shaft), internal reconfiguration including removal of walls, removal of fifth floor and lift tower, refurbishment of roof, repairs, re-fenestration, removal of floor sections, addition of circulation core, removal of infill panels to the east and south, demolition of Raglan House and other structures within the curtilage of the Powerhub building and associated works.</p> <p>Decision notice dated 9<sup>th</sup> January 2014: had an appeal not been lodged against the Council's failure to determine the application within the statutory period, the Local Planning Authority under the Town and Country Planning Acts, WOULD HAVE REFUSED LISTED BUILDING CONSENT for development</p>
May/July 2014	<p>Public Inquiry held for appeals U2235/A/13/2209693 and U2235/E/13/2209695.</p> <p>Appeals allowed 4<sup>th</sup> July 2014</p>
20 <sup>th</sup> January 2016	Meeting between BWML and MBC officers
11 <sup>th</sup> February 2016	Meeting between BWML and MBC officers

4 <sup>th</sup> March 2016 Baltic Wharf site visit with Chris Moore and Jason Hobbs of the HCA and MBC officers.	Site visit
13 <sup>th</sup> June 2016	Meeting BWML with MBC officers
7 <sup>th</sup> September 2016.	Pre-application meeting BWML and MBC

# Baltic Wharf Site - Existing Uses



- Development Site Area
- 1 Listed Powerhub building
- 2 Retail sheds
- 3 B2/B8 sheds
- 4 Raglan House
- 5 Retail Parking
- 6 Network Rail Land
- 7 North Car Park
- 8 Freehold interest in wharf
- 9 Access roads and wharf

## APPENDIX 2: BALTIC WHARF SCHEDULE OF FLOORSPACES AND USERS OCTOBER 2016

Provided by the land owners

### Powerhub Building

Floor	Area square metres (GIA)
Ground floor/basement (largely vacant but small areas of A3, B1 and B2 use)	2,543
First floor (vacant)	2,668
Second floor (vacant)	2,602
Third floor (vacant)	2,559
Fourth floor (vacant)	2,558
Fifth floor (vacant)	488
<b>Sub Total</b>	<b>13,418</b>

### Raglan House

Floor	Area square metres (GIA)
Ground floor (B1 use)	282
First floor (D2 use)	282
Second floor (B1 use)	206
<b>Sub Total</b>	<b>770</b>

### The Sheds

Floor	Area square metres (GIA)
Children's soft play inc mezzanine storage (D2 use) also A1 and D2	565.5
Retail (unrestricted open A1)	2,413.9
<b>Sub Total</b>	<b>2,979.4</b> <b>(of which 2,596 m<sup>2</sup> is open A1 retail)</b>

### Employment Buildings

Floor	Area square metres (GIA)
G5 – Mr W Steen (B8 use)	67
G5A – Norton Electrical (B1 / B2 use)	65
G6 - vacant (retail)	167
G17 – Redemption fitness (D2 use)	166
G18 – Michael Gornall (B8 use)	561
<b>Sub Total</b>	<b>1,026</b>

<b>Grand Total</b>	<b>18,193.4</b>
--------------------	-----------------

Application No	Location	Description	Date received	Date validated	Decision date	Decision
13/0297	Baltic Wharf, Maidstone	Hybrid Planning application - Detailed planning permission for the change of use of, and alterations and additions to, the existing Powerhub building to provide a mix of Class A1 (foodstore), A2 (professional and financial services), A3 (cafes and restaurants), B1 (employment) and D2 (assembly and leisure) uses; and outline permission, with all matters reserved except for access, for a new building for Class A1 (foodstore) use with associated car parking, and other operational development including provision of pedestrian and vehicular access and a new riverside walkway; together with demolition of Raglan House and other buildings and structures and demolition of parts of the Powerhub building.	17/02/2013	25/02/2013	01/07/2014	Granted on appeal
13/0298	Baltic Wharf, Maidstone	Listed Building Consent - Listed Building Consent for demolition of parts of the Powerhub building and works to facilitate the refurbishment and re-use of the building including removal, reconstruction and reconfiguration of the north wing, removal of stairwell and lift shaft to the east elevation, removal of electrical switchgear building, removal of central south wing (lift shaft), internal reconfiguration including removal of walls, removal of fifth floor and lift tower, refurbishment of roof, repairs, refenestration, removal of floor sections, addition of circulation core, removal of infill panels to the east and south, demolition of Raglan House and other structures within the curtilage of the Powerhub building and associated works.	17/02/2013	21/02/2013	01/07/2014	Granted on appeal
13/1450	Baltic Wharf, Maidstone	Certificate of lawfulness application for use of units G10, G11a, G12, G14 and G15 as Class A1 retail units without restriction as the type or ranges of goods that may be displayed or sold	19/08/2013	19/08/2013	11/10/2013	Application permitted
14/503571/SUB	Baltic Wharf, Maidstone	Submission of details pursuant to Conditon 9 of Listed Building Consent MA/13/0298 - Exterior and interior record of building	17/09/2014	17/09/2014	29/12/2014	Application permitted
14/0368	Raglan House, St Peters Street	Demolition of Raglan House, St Peters Street Maidstone	04/03/2014	05/03/2014	03/07/2014	Refused
15/506430/FULL	Unit G9, Powerhub Business Centre	Change of use to A1 retail for the display and unrestricted sale of goods to visiting members of the public	07/08/2015	12/10/2015	14/12/2015	Granted
16/500182/FULL	Units G11A, G12 and G12A Powerhub Business Centre	Change of use from A1 retail to A1 retail or D1 and D2 (children's soft play facility and before and after school childcare provision)	11/01/2016	14/01/2016	11/03/2016	Granted
16/503195	Unit G10 Powerhub Business Centre	Change of use from open A1 retail development to open A1 retail development or D2 assembly or leisure use	12/04/2016	12/04/2016	22/06/2016	Permitted
16/505175	Unit G17, Powerhub Business Centre	Change of use G17 from B1/B2/B8 to B1/B2/B8 and D2 uses	16/06/2016	05/07/2016	24/08/2016	Granted