

**STATEMENT PREPARED BY BALTIC WHARF (MAIDSTONE) LTD (BWML) OF MATTERS NOT AGREED BY MAIDSTONE BOROUGH COUNCIL (MBC)**

**MAIDSTONE LOCAL PLAN 2016 PUBLIC EXAMINATION**

The numbering of the headings below follows that of the Statement of Common Ground so far as possible for ease of cross referencing between the two statements.

**1. Site Description:**

1.1 Agreed as set out in the Statement of Common Ground.

**2. Listing of the Powerhub building:**

2.1 The listing gives the Powerhub building the status of a heritage asset and the building is on the National Heritage List for England.

2.2 The North car park is not considered to be part of the curtilage of the Powerhub listed building as it is separated both physically and in terms of landownership by Network Rail operational land (including a railway embankment) from the rest of the Baltic Wharf site.

**3. Extant permissions:**

3.1 Agreed as set out in the Statement of Common Ground.

**4. Submission Maidstone Borough Local Plan:**

4.1 The Local Plan evidence base demonstrates that there is not capacity for two foodstores of the scale proposed at Baltic Wharf and the Maidstone East station/Royal Mail site during the early part of the plan period, ignoring any impact from the Waitrose foodstore proposal at Eclipse Park.

**5. Viability:**

5.1 The accepted approach in a planning context to assessing viability and the methodology for assessment are set out in the RICS document "Financial Viability in Planning".

5.2 Since the 2014 Baltic Wharf appeals, MBC have not disclosed whether they have prepared any viability assessments (based on paragraphs 5.1 and 5.2 of the Statement of Common Ground ) to inform their opinion of the redevelopment options for the Baltic Wharf site and listed Powerhub building.

5.3 MBC will not accept the findings below of the inspector at the 2014 Baltic Wharf appeal are still valid and relevant to considering redevelopment of the site today:

- there is no viable use for the listed Powerhub Building on its own.

- with a retailer in place the appeal scheme (a foodstore led redevelopment) is the Optimum Viable Use
- to get to a viable use will require Enabling Development
- the most obvious Enabling Development is to look at the land adjoining the Powerhub building.
- the adjoining landowners got together for the appeal but have existing investments which are income producing.
- the adjoining landowners would not get together to pursue a scheme which was not viable
- any acquisition of adjoining properties must be at Market Value or Opportunity Value
- 20% of Gross Development Value (GDV) for a developer's return would normally be appropriate for schemes with fewer constraints and therefore should be the minimum required hurdle for a residential scheme to be viable when testing a listed building conversion of this scale.
- an improving housing market would not make residential use more profitable, as construction costs would also increase and the deterioration in the building would mean additional repair / restoration works would also be needed.
- a residential redevelopment scheme alone was not viable and would not be viable in the foreseeable future.
- if the appeal retail scheme did not go ahead, because no enabling convenience retailer was forthcoming, then the listed building would have no viable future.

5.4 With respect to the Council's evidence to the 2014 appeal regarding residential redevelopment of Baltic Wharf, the inspector found that:

- using the Council's advisor's assumptions, their viability appraisal only produced a development profit of 11.6% of GDV.
- An 11.6% profit on GDV is not at all a generally acceptable profit margin.
- whatever future improvements might arise in the housing market, and thus in the GDV of a residential scheme, a healthier economy is also likely to bring an increase in construction costs.
- the Council's viability assumed a net:gross floorspace ratio of 80%, including the ground floor of the Powerhub building. This compared to BWML's 73% which excluded the ground floor and was considered the more realistic of the two. It was not necessary to have looked further than this first assumption on the net:gross ratio because that clear-cut factor in itself, would reduce an already tenuous profit margin to a figure unacceptable to a developer and, perhaps more importantly, a lender.

5.5 GVA have assessed the key differences between their view and the Council's advisors (DTZ) view on the assumptions for the residential scheme considered at the appeal which are set out below:

Appeal Assumptions	GVA	DTZ	Comment
Land Required	Powerhub building, retail and employment sheds	Powerhub building, retail, and employment sheds, Raglan House and North Car Park	<p>GVA assumed site value of £3.7m for the land interests required only, assuming Powerhub had a value of £1. DTZ assumed a land value of £3m for all the land interests. The inspector broadly agreed with the GVA assessment of site value.</p> <p>GVA opinion is that the existing use value of the retail and employment sheds has increased since the appeal. This value would not be sufficient to encourage the land owners to sell their investment unless they could secure another investment from the development.</p>
Net to Gross ratio of converting the Powerhub building to residential use	73%	80%	GVA ratio based on schematic drawings, whereas DTZ was not based on any drawings. 80% is very efficient ratio for new build apartments, not for a conversion of a listed building. Inspector agreed with GVA. The Council now accept a Net to Gross ratio of 73%.
The Net Sales floor area with the 1 <sup>st</sup> to 5 <sup>th</sup> floors of the Powerhub building	85,844 sq ft	93,651 sq ft	DTZ assumed an extra Sales Area of 7,807 sq ft which is not there. Based on their average resale value at the time of £215 psf, this boosted their GDV by an extra £1.65m.
Ground Floor of the	Parking	Residential	DTZ assumed it was

Appeal Assumptions	GVA	DTZ	Comment
Powerhub		units	possible to convert the ground floor of the car park into residential units and ignored the flood risk and mains sewer running across the building. They didn't allow for any refuse area or cycle parking, they ignored the electrical sub-station or entrance / new stair core. This gave them an extra c. 21,900 sq ft of Sales Area which is not capable of being provided and boosted their GDV by an extra £4.7m. The Council now accepts that it is not possible to convert the ground floor of the Powerhub building into residential use.
Total number of residential units	216  (excluding Raglan House and North Car Park)	226  (included Raglan House and North Car Park)	DTZ assumed all parking spaces were surface spaces, whereas GVA had parking in the ground floor of the Powerhub building.
Total number of parking spaces	201	Stated at 226	GVA spaces were shown on the schematic layout. No layout showing the DTZ parking spaces.
Number of residential units without a parking space	15	Stated as none	Not evidenced via a layout but as they were building on the North Car Park and converting Raglan House, they are likely to be c. 50 surface spaces short.
Development Loss / Profit	<b>-£8.6m loss</b>	£4m (11.6% of GDV)	GVA and DTZ assumed no affordable requirement and a minimal s106 contribution

Appeal Assumptions	GVA	DTZ	Comment
			<p>in the assumptions.</p> <p>The Inspector preferred to use the GVA QS construction and repair costs.</p> <p>If the net to gross ratio of floors 1 to 5 of the Powerhub were as per the schematic drawings (73%) as opposed to DTZ's guess of 80%, then the DTZ profit would drop to £2.35m (6% of GDV)</p> <p>If the ground floor residential units in the Powerhub building, were also removed from the DTZ appraisal, then the DTZ scheme would show a loss of £2.35m.</p> <p>If a 20% profit on GDV were to be secured, then the funding gap for the GVA scheme is circa £17m and on the DTZ scheme circa £10m.</p>

5.6 Appendix 1 is the Statement of Common Ground agreed between MBC and BWML at the date of the 2014 Baltic Wharf planning appeals. Paragraphs 7.8 to 7.11 of this statement were an agreed position on the viability of alternative forms of redevelopment of the Baltic Wharf site at that date. It was agreed that:

- The conversion of the listed Powerhub building alone for business, industrial and distribution uses (B1/B2/B8) would not be financially viable and would not secure its conservation.
- In current market conditions and without redevelopment of the wider appeals site, the conversion of the listed Powerhub building alone into D1/D2 uses would not be financially viable.

- In current market conditions and without redevelopment of the wider appeals site, the conversion of the listed Powerhub building alone into C3 residential uses would not be financially viable.
- The Optimum Viable Use of the listed Powerhub building will require redevelopment of the wider appeal site.
- Ignoring the appeal proposals, if the entire appeals site is redeveloped as a whole for any use, the conversion of the listed building alone into B1/B2/B8 uses is still not viable in the current market.
- Ignoring the appeal proposals, if the entire appeals site is redeveloped as a whole for any use, the conversion of the listed building alone into D1/D2 uses is still not viable in the current market.

5.7 MBC are not prepared to accept that these previously agreed statements are still valid..

## 6. Alternative Funding Sources:

6.1 The following questions a) to c) have been posed by MBC and answered by Homes and Communities Agency or HCA (in blue type) with respect to HCA funding for Baltic Wharf redevelopment:

- a) Would it be right to say that the owners insistence to retain the ownership of the site has constrained the ability of the HCA to provide suitable support?  
 The HCA can arrange loan finance to bring forward development opportunities on sites which it does not own and therefore even in the scenario that the site was to be retained in its current ownership, it would not affect or constrain the ability of the HCA to provide support. The key issue in relation to this asset is that it has a significant value as a standing investment, that is, a current income stream generating a capital value. However, as a redevelopment opportunity it makes a significant loss of many millions of pounds as comprehensive redevelopment costs for large scale residential use are very significantly in excess of long term capital value. This means that the borrower would never be able to repay the loan finance plus interest.
- b) Secondly if the wording below is correct, what is the HCA's role in such schemes? I think it is accepted that the proposed schemes are not viable and thus needs external financial support. The wording below suggests that the HCA would only be involved in otherwise viable schemes.  
 Schemes must be viable to enable borrowers to repay loans plus interest from profit generated by development within 5 years of the development starting on site and drawdown of loan finance. The redevelopment proposals for Baltic Wharf makes a significant loss The HCA is unable to provide grants to finance funding gaps.
- c) There is also starter homes and other HCA products which were brought up as part of the discussion and it would be helpful if you were able to confirm these are not appropriate to pursue on the site.

The HCA can combine potential loan finance with funding under the Starter Home initiative and this was discussed in detail at an HCA meeting with individuals representing the Baltic Wharf asset. However, in the absence of a viable scheme, these funding solutions are not applicable and this was communicated to and accepted by the Baltic Wharf representatives.

6.2 With respect to Heritage Lottery Funding (HLF), if the Conservation Deficit is greater than £5M then HLF funding will not be sufficient.

6.3 Heritage lottery funding can only be considered for the Powerhub building on a standalone basis because there would be no reason for the landowners of other parts of the Baltic Wharf site to make their land available for an HLF initiative.

## 7. Chronology of Events:

<p><u>20<sup>th</sup> January 2016</u></p>	<p><u>BWML meeting with MBC officers Paul Spooner (PS), acting director of Planning and Regeneration, Dawn Hudd Economic Regeneration officer, Andrew Connors (AC) Housing Officer, Rob Jarman as Head of Planning, Tim Chapman (TC) and Mike Parkinson (MP) planning officers. PS stated MBC were no longer proposing a foodstore as part of redevelopment of the Maidstone East/Royal Mail site but comparison goods retail, employment and housing. It was agreed to continue discussion between BWML and MBC on redevelopment of Baltic Wharf including an approach to the Homes and Communities Agency (HCA) regarding gap funding for a residential led scheme which PS understood was potentially available.</u></p>
<p><u>11<sup>th</sup> February 2016</u></p>	<p><u>Further meeting of BWML with MBC officers (PS, TC, MP, AC). BWML presented an updated viability appraisal that showed that only a foodstore led redevelopment of Baltic Wharf was viable and that this remained the optimum viable use for the listed Powerhub building. Site visit for officers of MBC and HCA was to be arranged. TC nominated as MBC lead officer on Baltic Wharf redevelopment. PS subsequently left MBC's employment shortly after this meeting.</u></p>
<p><u>18<sup>th</sup> February 2016</u></p>	<p><u>E-mail from TC of MBC to CT of BWML confirming he had been given the lead role of co-ordinating MBC's input to discussions</u></p>

	<p><u>with BWML on redevelopment of the Baltic Wharf site and seeking to arrange a site visit for MBC and HCA officers.</u></p>
<p><u>4<sup>th</sup> March 2016 Baltic Wharf site visit with Chris Moore and Jason Hobbs of the HCA and TC and MC of MBC.</u></p>	<p><u>Site visit was followed by an initial exchange of views between Fraser Whyte representing BWML and Chris Moore and Jason Hobbs of the HCA reflected in e-mail to TC of MBC of 17<sup>th</sup> March 2016 (see below).</u></p>
<p><u>17<sup>th</sup> March 2016</u></p>	<p><u>Cliff Thurlow e-mail to TC of MBC, as follows:</u></p> <p><u>“I hope you received my message earlier in the week about the outcome of initial discussions with the HCA. It appears that the HCA can only invest in redevelopment of property they have acquired to avoid breaching EU competition laws. On behalf of the landowners, we did make clear at the last team meeting with MBC that the site has an extant planning permission for a foodstore and the landowners were not interested in selling other than on an open market basis. There would consequently not appear to be any possibility of the HCA becoming further involved in the Baltic Wharf redevelopment.</u></p> <p><u>From the landowners standpoint, the priority currently is to make representations on the Maidstone Local Plan 2016 before the deadline tomorrow afternoon (18th March). Notwithstanding the inspector's comments in his decision on the 2014 Baltic Wharf appeal that there appeared to be policy vacuum relating to Baltic Wharf compared to Maidstone East/Royal Mail site, that policy vacuum still exists in the Regulation 19 version of the Local Plan. This will be one focus of the landowners representations on the Local Plan.</u></p> <p><u>When we spoke last week, you indicated that regardless of the outcome of our discussions with the HCA, you on behalf of the Council would wish to continue a dialogue with representatives of the Baltic Wharf landowners. From our perspective the Local Plan is certainly one matter for continued discussion because there should be scope to accommodate the landowners representations in agreed modifications going forward. We would also be interested to hear</u></p>

	<u>whether the Council has any other proposals for progressing the regeneration of the Baltic Wharf site. With this in mind, my colleague Fraser Whyte and myself would be available to meet you at Maidstone House for an informal discussion next Thursday 24th March between 9am and 10am and wonder if you would be available."</u>
<u>24<sup>th</sup> March 2016 – phone conversation between TC and Cliff Thurlow BWML.</u>	<u>BWML reiterated what was said in the e-mail of 17<sup>th</sup> March 2016.</u>
<u>16<sup>th</sup> May 2016</u>	<u>E-mail CT of BWML to TC of MBC seeking a meeting with himself and Rob Jarman and Jennifer Dearing as acting Director of Planning and Regeneration.</u>
<u>13<sup>th</sup> June 2016</u>	<u>Meeting BWML with Jennifer Dearing (JD) and TC of MBC. JD stated that MBC were not dependent on Baltic Wharf to contribute to its emerging local plan housing supply which ruled out the possibility of enabling development off-site. JD considered that discussion about a local plan policy for Baltic Wharf that reflected the 2014 appeals decisions prior to the examination was appropriate. TC was asked to co-ordinate such a discussion. TC subsequently referred CT to Sue Whiteside in MBC's policy team.</u>
<u>16<sup>th</sup> June 2016</u>	<u>CT conversation with Sue Whiteside who stated MBC were not holding discussions with representors on the emerging local plan pending a pre-inquiry meeting with the inspector appointed to examine the plan and the inspector identifying likely issues for examination.</u>
<u>3<sup>rd</sup> August 2016</u>	<u>E-mail from CT of BWML to TC of MBC seeking a pre-application meeting regarding resubmission of the retail</u>

	<a href="#"><u>planning application for Baltic Wharf with residential development rather than employment and leisure uses on the upper floors.</u></a>
<a href="#"><u>4<sup>th</sup> August 2016.</u></a>	<a href="#"><u>BWML meet the HCA to discuss possible implications of the government's new starter homes initiative for redevelopment of Baltic Wharf.</u></a>
<a href="#"><u>7<sup>th</sup> September 2016.</u></a>	<a href="#"><u>Pre-application meeting BWML and MBC to discuss a new planning application for a foodstore and residential development at Baltic Wharf.</u></a>
<a href="#"><u>23<sup>rd</sup> September 2016.</u></a>	<a href="#"><u>Meeting BWML and HCA to discuss HCA loan funding for housing redevelopment at Baltic Wharf concluded that such a scheme would not be viable and was thereby ineligible for such funding.</u></a>
<a href="#"><u>8<sup>th</sup> October 2016.</u></a>	<a href="#"><u>TC e-mail to CT forwarding a link to the Heritage Enterprise fund and requesting a response from BWML.</u></a>

## **8. Alternative development options:**

8.1 A smaller supermarket (up to 50k gross) would be viable and this could include residential conversion of the 3 upper floors in the Powerhub (75 units)

8.2 Redevelopment of the adjoining land (Raglan House, The Sheds and North car park) in isolation of the Powerhub building could be viable. Such a partial redevelopment could deliver up to 140 residential units. However, such a scheme would contribute nothing to the repair, restoration and conservation of the listed building because there is no obligation on the owner to make such contribution. The high existing market value of those interests would mean that for any residential development to be viable it would have to consist of 100% private tenure.

8.3 If the appeal scheme cannot be delivered and a residential scheme is unviable, then it will be necessary to consider off-site enabling development options, to conserve the listed building.

## 9. Adopted Development Plan Policy

9.1 The Council's decisions on the proposals for a retail led redevelopment of Baltic Wharf the subject of the 2013 planning application (reference MA/13/0297) and listed building consent application (MA/13/0298) did not cite loss of employment land subject to MBWLP Policy ED2(vii) as a reason for refusal.

## 10. Maidstone East station/Royal Mail site:

10.1 The Maidstone East station site is railway operational land mainly occupied by a large commuter car park in the ownership of Network Rail. The Royal Mail site is the vacant former Maidstone sorting office which is (or was until recently) owned by Royal Mail. The combined site has an area of 3.74 hectares.

10.2 The Royal Mail site has now been purchased by MBC.

10.3 On 9 June, 2014 (after the Baltic Wharf appeal hearing had finished), a planning application reference 14/500483/OUT was validated by MBC. The application was for redevelopment of the combined site and the description of development was:

*"Outline planning application for the redevelopment of land at Maidstone East to provide a new railway station and station building (330 m<sup>2</sup> GIA), new large foodstore (8,296 m<sup>2</sup> GIA), customer cafe, non-food retail units (4,364 m<sup>2</sup> GIA), flexible units within Class A1 (retail), A2 (financial and professional services), A3 (restaurant and cafe) Use Class A4 (drinking establishment) or A5 (hot food takeaways), petrol filling station, associated commuter parking (560 spaces), retail parking (580 spaces), and off site highways works. With all matters reserved for future consideration."*

The application is still awaiting determination although the Council's applications website shows that there has been no correspondence relating to the application since 22<sup>nd</sup> June, 2015.

10.4 BWML submitted a detailed objection to the application on 1<sup>st</sup> August, 2014, including:

- Failure to take account of the foodstore permission granted for the Baltic Wharf site on 4<sup>th</sup> July, 2014, as a material change of planning circumstances and without which much of the analysis in the application is flawed;
- The Baltic Wharf foodstore permission represents a commitment in planning terms and planned investment in the town centre;
- Significant weight should be attached to not undermining implementation of the Baltic Wharf foodstore permission without which a nationally important listed building will have no viable future;
- The applicant's failure to properly assess the proposals against the relevant NPPF retail tests, and in particular the sequential approach and matters of

cumulative impact, and failure to consider the likely impact on planned investment in the town centre including the proposal for a foodstore at Baltic Wharf without which the Powerhub listed building has no viable future;

- The application is not in accordance with an up to date, adopted development plan;
- Significant deficiencies in the evidence base of the applicant's transport assessment;
- Significant deficiencies in the Environmental Impact Assessment because of failure to assess cumulative impacts of the Baltic Wharf foodstore development and that proposed in the application in terms of traffic and air quality;
- Failure to properly consider the heritage implications of the application on adjoining or nearby heritage assets (most importantly Chillington House conservation area) and its implications in heritage terms if the application were permitted for securing a foodstore operator for the Powerhub building.

10.5 The planning application is not in accordance with Policy RMX1 (2) of the emerging Maidstone Borough Local Plan. The policy provides for up to 10,000 m<sup>2</sup> comparison and convenience retail and approximately 210 dwellings. The application provides for no dwellings and over 12,660 m<sup>2</sup> of convenience and comparison retail. The application will be refused if the applicants decline to withdraw it.

10.6 The Local Plan Housing Topic Paper Update 1 September 2016 at Appendix 6, Table 6.4 lists the combined site as a housing allocation for 210 units for development between 2021 and 2026. The area of the site and operational requirements of Maidstone East station and commuter parking mean that any redevelopment of the combined site would need to be undertaken as a whole. There will consequently be no retail or other development on the combined site for at least the next 5 years and possibly for the next 10 years.

10.7 The Council have recently submitted a planning application on the Royal Mail site (reference 16/507358) for a "change of use of the Royal Mail Depot and ancillary offices to a mix of uses comprising B1a (offices) uses in the former Royal Mail administration block; use of main warehouse for car parking; use of warehouse 2 for a mix of B8 & A1 retail warehouse uses; use of the undercroft car park as a car park; and including associated operational works for all of the above for a temporary period of 5 years"

10.8 The Council have stated that the above application is for community uses, but there is no such restriction in the application. The Council have stated that the Royal Mail site is not available, for the purposes of the Sequential Test for the Waitrose application at Eclipse Park, whilst the site owners confirm arrangements between them.

**STATEMENT BY MAIDSTONE BOROUGH COUNCIL (MBC) ON MATTERS NOT AGREED BY  
BALTIC WHARF (MAIDSTONE) LTD (BWML)**

**1. MBC's Summary of Areas of Remaining Difference:**

- 1.1 BWML wants the site allocated for retail-led redevelopment. MBC do not agree on the basis that MBC does not consider that the current consented scheme is deliverable.
- 1.2 MBC do not accept that Baltic Wharf should take precedent over Maidstone East/Sorting office in terms of the retail hierarchy.
- 1.3 MBC does not agree that retail led redevelopment represents the only viable use for the site for lifetime of the Local Plan (to 2031).

**BALTIC WHARF, ST PETER'S STREET, MAIDSTONE, PLANNING AND LISTED BUILDING CONSENT APPEALS.**

**STATEMENT OF COMMON GROUND.**

**PINS REFERENCES APP/2209693 & 2209695**

**1.0 Description of the Appeal Site and Surroundings**

- 1.1 The appeals site consists of two areas of land at the western end 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, 6-storey Powerhub building, to the north of which is Raglan House a much smaller 3-storey building, while to the south are single storey buildings known as 'The Sheds'. The smaller part of the application site lies to the north and is referred to as 'The North Car Park'.
- 1.2 The appeals site is in several ownerships as shown on the attached plan at Appendix 1 produced by the appellants (the Council accept this plan but have not verified it). These ownerships have common shareholders but with different levels of shareholding and investment parameters. The Powerhub building itself is in a different ownership to the balance of the appeal site. There is a commercial arrangement in place to bring together all the ownerships if a satisfactory planning permission and listed building consent for the redevelopment proposals the subject of these appeals is granted (a copy of which has not be provided to the Council). There are a number of tenants in occupation over the appeals site as a whole.
- 1.3 On their eastern boundary both parts of the appeal site have a frontage to the River Medway.
- 1.4 To the north of the main site on a high embankment and viaduct is the railway line between Maidstone East and London Victoria stations. The railway embankment and viaduct separate the two parts of the appeals site. The railway embankment and viaduct are also the route of a public footpath/cycleway between Maidstone town centre and the western part of the Maidstone urban area lying on either side of the River Medway. This path is known as the High Level Path.
- 1.5 The main access to the appeals site is from St Peter's Street adjacent to The Sheds. A vehicular exit only is under the Powerhub building with restricted headroom of 3.4 metres. There is secondary point of access and egress into the North Car Park from Waterside Lane with restricted headroom of 3.2 metres where it passes underneath a bridge on the Maidstone East railway line.
- 1.6 Raglan House is currently occupied by a number of business and leisure uses.

- 1.7 The Sheds are currently being used for retail and storage purposes.
- 1.8 The Powerhub building is largely vacant.
- 1.9 As set out in the floorspace schedules in Appendix 2, the Powerhub building contains some 13,419 sq m of floorspace, Raglan House contains 770 sq m of floorspace and The Sheds contain 4,753 sq m of floorspace. All these floorspace measurements are Gross Internal Areas (GIA). The Council accept these measurements but have not verified them.
- 1.10 To the south of the appeals site, much of both sides of St Peter's Street have been redeveloped in the last 20 years or so. The sites of the Maidstone town gas works and a factory manufacturing confectionery have been redeveloped as a retail park, DIY store and residential development. A large residential block called Scotney Gardens has been developed on the southern edge of the appeals site since 2007 and included opening up to public access further frontage to the River Medway. Another large residential block called Pevensey Court has been developed on the west side of St Peter's Street, opposite Scotney Gardens and south-west of the appeals site.
- 1.11 To the north of the North Car Park part of the appeals site is a relatively modern residential development, Waterside Gate, part of which fronts the River Medway. North and north-west of Waterside Gate are a fitness club, Fitness First, and a public park called Millenium Park or Whatman Park.

## **2.0 Proposed Development**

- 2.1 The description of proposed development is stated on the planning and listed building consent application forms and amplified in the Development Specification document supporting these applications.
- 2.2 The list of plans forming the planning and listed building consent applications is set out in Appendix 3 to this Statement.
- 2.3 The description of development has not been amended during the consideration of these applications by Maidstone Borough Council.

## **3.0 Heritage Asset Within the Appeals Site**

- 3.1 The Powerhub building was Grade II listed on 17<sup>th</sup> February 2012. At the same time, Raglan House was granted a Certificate of Immunity from listing. The Sheds adjoining the Powerhub building to the south are of no special interest.
- 3.2 Maidstone Borough Council raised no objection to the listing.
- 3.3 The Powerhub building was completed in 1917 and therefore is nearly 100 years old.

- 3.4 The principal reasons for listing the Powerhub building stated by English Heritage are:
- Historic interest: the building is the earliest surviving by the practice of Wallis, Gilbert and Partners, the foremost factory architects of the inter-war period; it is also one of the few surviving examples of their early daylight factories not to have undergone significant alteration;
  - Technical interest: the building is one of the 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 the 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.
- 3.5 The building was designed as an automotive factory in the form of a 'daylight factory' expressed in part by the large expanses of windows. The original multi-paned windows were replaced in the 1980's with UPVC windows. During the last 30 to 40 years, the building has been adapted by sub-division of the floorplates for use as managed workspace. The building has suffered significant under-investment in the maintenance of its fabric prior to the appellants becoming the owners and, as a result, is in need of restoration. The fifth floor and lift shaft and the top of the eastern stairwell are in poor condition.
- 3.6 Those characteristics of the Powerhub building that give expression to its origin as a 'daylight factory' include:
- a gridded,exposed concrete frame
  - large expanses of windows
  - open floorplates.
- 3.7 There is no objection to the removal of Raglan House or The Sheds under the scheme forming the subject of this appeal.
- 3.8 The principle of reuse and repair of the listed Powerhub building, including the replacement of the UPVC windows with metal casements better resembling the original windows, is to be welcomed and would deliver a public benefit.

#### **4.0 Planning History (excluding advertisements)**

- 4.1 The planning applications history of the appeals site since the 1970s is as follows (in reverse chronological order):

*Powerhub Building:*

MA/12/0125	Prior notification of proposed demolition of the Powerhub business centre building. Approved.
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MA/06/1396	Change of use from class B1 use (internet service providers office) to a sui generis use as a credit bookmaker's office/exchange trading office – Approved with conditions.
MA/95/0804	Use of premises as a taxi and private hire telephone and booking office. Unit G3, Maidstone Industrial Business Centre, St Peter's Street. – Approved with conditions.
MA/95/0295	Use of premises as a dancing school. Unit B14, The Industrial Centre, St Peter's Street. Approved with conditions.
MA/94/0607	Change of use to indoor golf simulation centre. Unit C2, Maidstone Business Centre, St Peter's Street. – Approved with conditions.
MA/92/1447	Part change of use to resource unit for people with learning Disabilities. Units B1 2, Maidstone Industrial Centre. – Approved with conditions.
MA/88/0770	Section 53 Determination for use for storage purposes. Unit 1A Maidstone Industrial Centre. Granted.
MA/88/0393	Change of use from industrial to storage – Approved with conditions.
MA/88/0112	Change of use of units to gymnasium weight-training sauna Solarium. Units XX and JJ Industrial Centre, St Peter's Street. Approved with conditions.
MA/87/2207	External lift shaft – approved with conditions
MA/87/2189	Addition to 5 <sup>th</sup> floor to form additional industrial space -approved with conditions. MA/85/0237 Change of use to a gymnasium, Unit B2 Maidstone Industrial Centre. Approval with conditions.
MA/82/1451	Change of use to a gymnasium, Unit 2, Maidstone Industrial Centre. Approved with conditions.
MA/79/1467	Change of use of Unit G for community day centre/workshop. Approved with conditions.
MA/79/0835	Change of use to sandwich bar. The Electrician's Shop, St Peter's Street. – Approved.
MA/78/1894	Change of use to coach works and paint spray shop – Approved with conditions.

### *Raglan House:*

- MA/11/1983 Change of use of first floor of Raglan House to a dance academy studio (Use Class D2) and change of use of existing dance academy studio in unit B11 of the Powerhub Building to employment use (Use Classes B1 or B2 or B8) – Approved with conditions.
- MA/86/1688 Mansard roof extension, Raglan House. Approval with conditions.

### *The Sheds*

- MA/98/1442 Change of use to retail sales of pine furniture and associated goods with storage and ancillary office space Unit G10, The Industrial Centre, St Peter's Street.– Approved with conditions.
- MA/96/1013 Change of use of existing industrial unit to retail use (for the sale of soft furnishings). Unit G14 (formerly Unit H), The Industrial Centre, St Peter's Street. – Approved with conditions.
- MA/84/1474 Change of use to retail warehouse. Unit G15 (formerly Unit H). – Refused but allowed at appeal in 1987 with conditions.

- 4.2 In October, 2013, an application for a certificate of lawfulness (MA/13/1450) was granted for use of parts of The Sheds for Class A1 retail use without restriction of the types and ranges of goods that may be displayed or sold. As set out in the floorspace schedule in Appendix 2, the current net retail sales area in lawful use is 2,110 sq m. The certificate of lawfulness covers 2,183 sq m of floorspace in The Sheds as shown on the plan at Appendix 4. These floorspace figures have not been verified by the Council.

## **5.0 National Planning Policy Guidance**

- 5.1 The National Planning Policy Framework 2012 (NPPF) is relevant to the determination of these appeals, in particular but not exclusively:
- Chapter 1: Building a strong, competitive economy
  - Chapter 2: Ensuring the vitality of town centres
  - Chapter 7: Requiring good quality design
  - Chapter 12: Conserving the historic environment
- 5.2 The practice guide 'PPS5: Planning for the Historic Environment' (March 2010) is also relevant to the determination of these appeals.
- 5.3 The 'National Planning Practice Guidance' published on 6 March 2014 is also relevant to the determination of the appeals.

## 6.0 Adopted and Emerging Development Plan

- 6.1 The adopted development plan comprises the saved policies of the Maidstone Borough-wide Local Plan (MBWLP) adopted in December 2000. The MBWLP covered the period to 2006, however a number of policies were saved by the Secretary of State in September 2007. These included those listed and referred to below.
- 6.2 The site is shown as part of the wider St Peter's Street employment allocation (Policy ED2(vii)) on the Town Centre inset of the MBWLP Proposals Map.
- 6.3 Those saved policies of the MBWLP, and associated written statement, which have relevance to the determination of these appeals are:
- ED2(vii): St Peter's Street employment site
  - ED8 Maidstone East station employment site
  - R1: Maintaining and enhancing retail facilities
  - R2: Major retail proposals exceeding 500m<sup>2</sup>
  - R3: Retail -Maidstone town centre
  - R6: Retail -Maidstone East railway station
  - R7: Core shopping area
  - R8: Secondary shopping area
  - ENV7: Riverside Zone of Townscape Importance
  - Para 5.51: Preference for redevelopment of previously developed land
  - Chapter 9: Maidstone town centre
- 6.4 The MBWLP allocates the Maidstone East station site for a mixed use redevelopment, including bulky goods retail, in accordance with policies ED8, H1, ED18 and R6.
- 6.5 A development brief for the Maidstone East station site adopted by the Council in 2002 is no longer extant.
- 6.6 The Council is preparing a Local Plan which will replace the MBWLP.
- 6.7 The evidence base for the emerging Local Plan includes the 'Maidstone Town Centre Assessment' prepared by consultants DTZ and published in August 2013. The assessment process included viability assessments of a number of potential redevelopment sites in Maidstone town centre. The appeals site was not included in the redevelopment options viability assessed by DTZ. The evidence base also includes the 'Maidstone Retail Capacity Study', June 2013, prepared by DTZ for the Council. This included retail capacity forecasts covering the Local Plan period. Another part of the evidence base is the document 'Local Plan Viability Testing', April 2013, by Peter Brett Associates.
- 6.8 The emerging Maidstone Local Plan contains no specific policies and proposals relating to the appeals site or the need to find new uses that provide for conservation of the listed Powerhub building.

## **7.0 Planning Considerations Relevant to the Determination of These Appeals**

### *Principle of Redevelopment of the Appeals Site*

- 7.1 The listed Powerhub building is in need of restoration and the appeals site as a whole is in need of regeneration.
- 7.2 There are no objections to the planning appeal proposals in terms of the loss of employment land.

### *Residential Amenity & Environmental Impact:*

- 7.3 The development proposed in the appeal applications would have no unacceptable impacts on residential amenity.
- 7.4 Any concerns over air quality, noise and contaminated land and any matters arising from them can be adequately dealt with by planning conditions.

### *Highways*

- 7.5 There is no highway ground of refusal.
- 7.6 A package of highway mitigation works has been agreed between the appellants and Kent County Council (KCC) as highways authority for implementation prior to occupation of the development, being:
- A20 London Road/Buckland Hill junction
  - St Peter's Street/St Peter's Bridge junction
  - Bridge gyratory intersection
  - Improvements to footways on St Peter's Street and Buckland Hill.
- 7.7 Maidstone Council and the appellants agree that further measures would be needed to facilitate access to the proposed foodstore and/or its connectivity to the town centre, being:
- i) The provision of a footpath along the riverside to the east of the appeals site.
  - ii) A contribution for improvements to the High Level Path.
  - iii) A shuttle bus service to connect with the town centre.

### *Viability*

- 7.8 Conversion of the listed Powerhub building alone for business, industrial and distribution uses (that is uses within Use Classes B1, B2 and B8) would not be financially viable and would not secure its conservation.
- 7.9 In current market conditions and without redevelopment of the wider appeals site:
- the conversion of the Listed building alone into D1/D2 uses is not viable

- the conversion of the Listed Building alone into residential C3 use is not viable
- the conversion of the Listed Building alone into A1 use at ground floor and residential C3 above is not viable.

7.10 The Optimum Viable Use of the listed Powerhub building will require redevelopment of the wider appeals site.

7.11 Ignoring the appeals proposals:

- i) if the entire appeal site is redeveloped as a whole for any use, the conversion of the listed building alone into B1/B2/B8 uses is still not viable in the current market;
- ii) if the entire appeal site is redeveloped as a whole for any use, the conversion of the listed building alone into D1/D2 uses is still not viable in the current market.

*NPPF Sequential Site Assessment*

7.12 The relevant retail policy considerations which apply to the planning appeal proposals are set out in paragraphs 23 to 27 of the NPPF.

7.13 The application site is out of centre in terms of the definitions in Annex A of the NPPF.

7.14 There are 3 sites, which require assessment to determine whether they are potentially available, suitable and viable to accommodate a large new foodstore. These are:

- i) Former Somerfield store site and adjacent bowling alley site, King Street, Maidstone Town Centre;
- ii) Len House, Maidstone Town Centre;
- iii) Maidstone East, with or without the adjacent Royal Mail site, on the edge of Maidstone Town Centre.

*NPPF Impact Test*

7.15 The proposed new foodstore would not have a significant adverse impact on the vitality and viability of Maidstone town centre.

*Design and Visual Impact*

7.16 The redevelopment of The Sheds would enhance the visual appearance of the riverside around the appeals site.

7.17 The design of the outline elements of the planning application, including with respect to scale, relationship with the riverside, and articulation and detailing on the eastern and western sides, can be adequately addressed at the reserved matters stage.

### *Tree Preservation Order (TPO)*

- 7.18 Tree Preservation Order No. 2 of 2013 was made on 18 April 2013, after the applications which are the subject of these appeals were submitted to the Council. Following representations by the appellants, the Order was confirmed as an opposed Order without modification on 10 October 2013.

### *Landscaping*

- 7.19 The redevelopment would provide for landscaping where little or none exists at present on the riverside and St Peter's Street frontages of the appeals site.

## **8.0 Section 106 Agreement & Draft Planning Conditions**

- 8.1 A Section 106 agreement or agreements between the appellants, the Council and KCC will be necessary. The agreement or agreements will be necessary to secure the package of highway mitigation works and some of the wider public benefits of the proposed redevelopment. The drafting of this agreement or these agreements will be addressed between the parties prior to the opening of the Public Inquiry and will be executed prior to the closing of the Public Inquiry, if possible.

- 8.2 A set of draft conditions for attaching to the planning and listed building consent applications will be discussed and, as far as possible agreed, between the appellants, the Council and KCC for submission either prior to or during the Public Inquiry.

## **9.0 Core Documents**

- 9.1 The attached list at Appendix 5 'Reports and Other Documents Supporting Planning & Listed Building Consent Applications for Redevelopment of Baltic Wharf' indicates the documents and correspondence forming the planning and listed building consent applications submitted to Maidstone Borough Council. These documents and the others listed, together with other documents as necessary, will form the basis of a common Core Documents list between the parties to these appeals.

## **10.0 Matters Not Agreed**

- 10.1 The Council and the appellants do not agree on the matters set out below.

### *Description of the Appeal Site and Surroundings*

- 10.2 Whether there are legal or "established rights" of vehicular and pedestrian access between the Baltic Wharf and North Car Park parts of the appeals site across intervening Network Rail land.

- 10.3 Whether or not the High Level Path running alongside the appeals site is a principal pedestrian and cycleway route within the Maidstone urban area and well-used.

*MBWLP*

- 10.4 Whether policy T21 of the MBWLP has any relevance in the determination of the appeals.

*The Emerging Local Plan*

- 10.5 The weight to be ascribed to the draft policies in the emerging Local Plan.

*Principle of Redevelopment of the Appeals Site*

- 10.6 What new approach in planning terms should be applied to the listed Powerhub building in determining its optimum viable use.

*Sustainable Development*

- 10.7 Whether or not the appeals proposals represent sustainable development within the definition of such development in the NPPF.

*Curtilage Definition and Harm to the Listed Powerhub Building*

- 10.8 Whether the North Car Park is part of the curtilage of the listed Powerhub building.

- 10.9 Whether any harm alleged to be caused to the significance of the listed building amounts to substantial harm or less than substantial harm and consequently whether the appeals proposals should be assessed against paragraph 133 or 134 of the NPPF.

- 10.10 Whether any harm occasioned or alleged is the minimum necessary to secure the optimum viable use of the listed building.

- 10.11 Whether Raglan House which is subject to a certificate of immunity from listing can be curtilage listed because it is attached to the listed Powerhub building.

*NPPF Sequential Site Assessment*

- 10.12 Whether the vacant former TJ Hughes site in Maidstone town centre should be considered when applying the sequential test.

- 10.13 Whether there are any sequentially preferable sites which are available, suitable and viable for a large new foodstore.

- 10.14 How the sequential tests should be applied in relation to developer flexibility.

### *NPPF Impact Test*

- 10.15 Whether the development proposals for the appeals site, together with a second new food superstore in Maidstone, would have a significant adverse impact on the vitality and viability of Maidstone town centre.
- 10.16 The status and weight to be accorded to advice received by the Council from its former retail consultant, NLP, relating to the impact on the town centre of the planning appeal proposal for a new foodstore.
- 10.17 Whether there is any committed or planned public and private investment in Maidstone town centre which would be put at risk by allowing a large foodstore development on the appeals site.
- 10.18 Whether the proposed development would have a significant adverse impact on planned public and private investment in or on the edge of Maidstone Town Centre.

### *NPPF Optimum Viable Use Assessment*

- 10.19 Whether the appeals proposals are the optimum viable use for the listed building.
- 10.20 Whether a mainly residential C3 scheme on the entire appeal site would be sufficiently viable to enable the conversion of the listed building into residential C3 use and cause less than substantial harm to the listed Powerhub building.

### *Committed Operator*

- 10.21 Whether optimum viable use requires there to be a committed operator for the proposed foodstore development.
- 10.22 Whether having a committed operator has any relevance as a material planning consideration in the determination of these appeals.

### *Public Benefits*

- 10.23 Whether the asserted public benefits arising from redevelopment of the appeals site are substantial, and the weight in NPPF terms that should be ascribed to these public benefits in the determination of these appeals.

### *Highways*

- 10.24 Pending detailed negotiation of the terms of a s106 agreement or agreements, as set out in paragraph 8.1 above, what each measure in paragraph 7.7 above will comprise in detail.

*Tree Preservation Order*

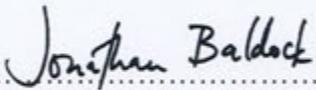
- 10.25 Whether the Highway Authority's permitted development rights mean that it can remove a TPO tree as part of a scheme, and would not need to apply for planning permission to do so and these rights are transferred under a s278 agreement.
- 10.26 Whether weighed in the balance with the public realm improvements and other public benefits of the proposed redevelopment of Baltic Wharf as a whole, any detrimental townscape impact of the loss of the TPO tree would be outweighed by these improvements and benefits.

*Other Planning Decisions*

- 10.27 The planning implications of the Council's recent decisions on other large out of centre retail planning applications not in accordance with the adopted and emerging development plans, particularly with regard to consistency of decision making, when considered with respect to the Council's determination of the appeal applications.

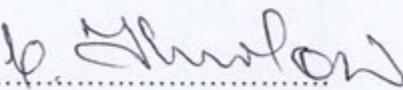
**11.0 Declaration by Parties to this Statement of Common Ground**

- 11.1 This document is the Statement of Common Ground for appeal references APP/2209693 and 2209695 between Maidstone Borough Council as local planning authority and the appellants and identifies matters that are both agreed and not agreed between these parties:

Signed: ........

Name: Jonathan Baldock.

On behalf of Maidstone Borough Council.

Signed: ........

Name: Clifford Thurlow.

On behalf of the appellants.

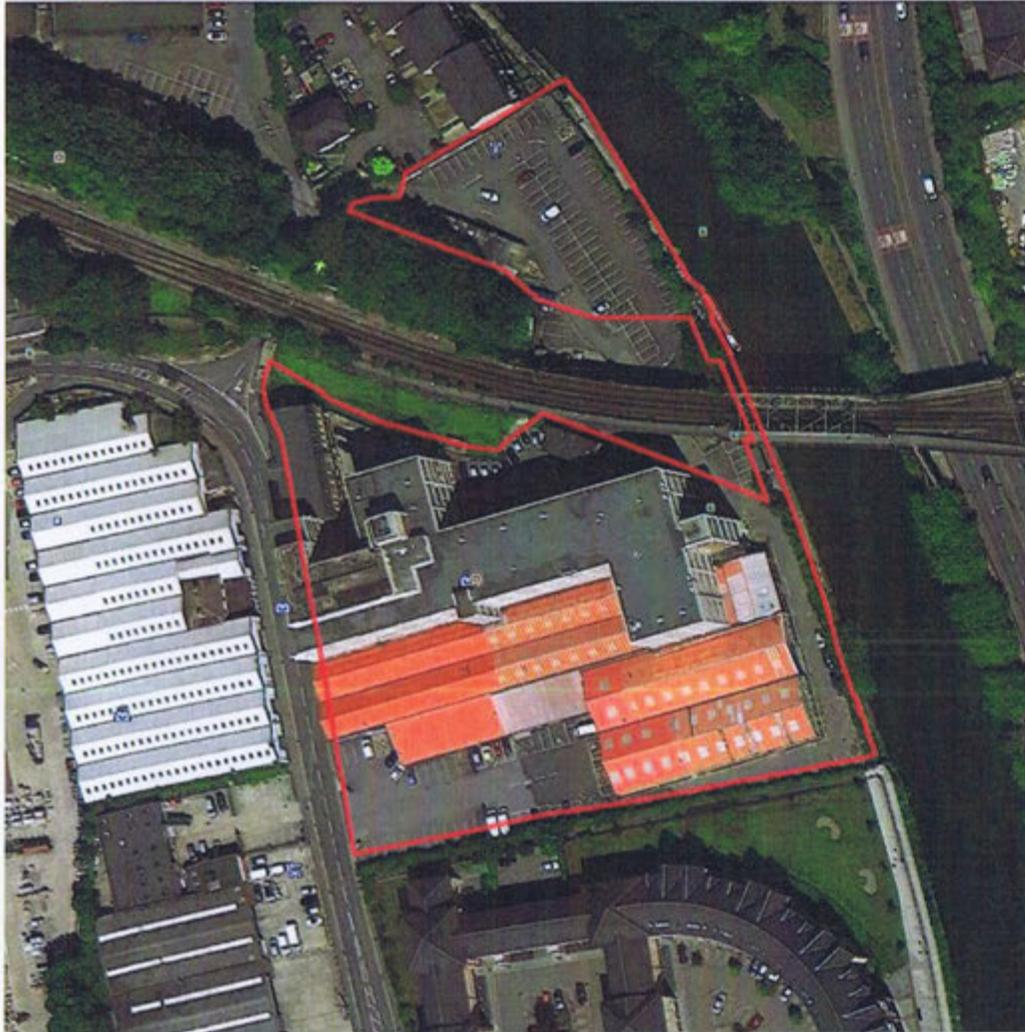
Date: 11<sup>th</sup> March, 2014.

## **APPENDIX 1**

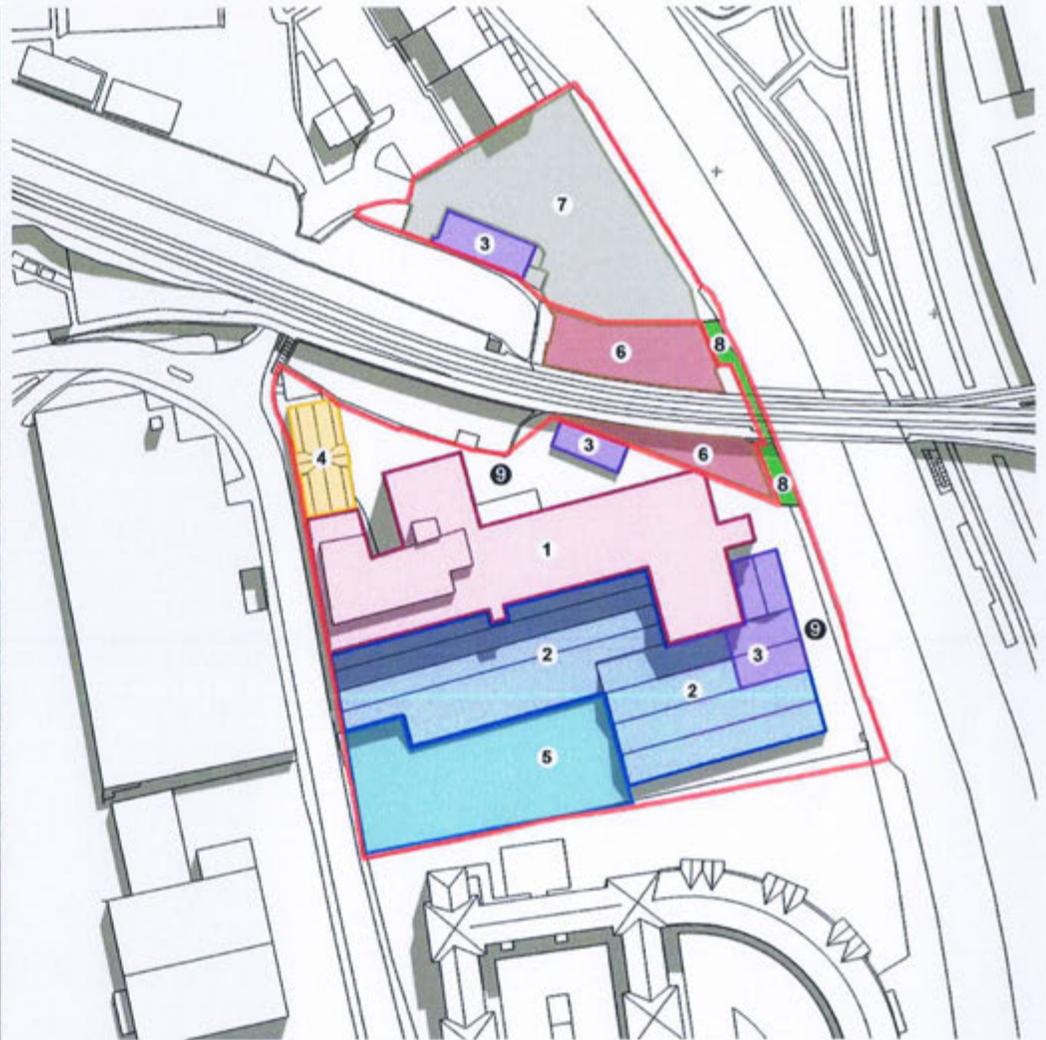
### **Map of Land Ownerships and Explanatory Schedule**

Provided by the appellants but not verified by the Council

AERIAL PLAN



VIABILITY ASSESSMENT BLOCK PLAN



- 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

## **Land and building ownership schedule 20th February 2014**

**Maidstone Wharf Limited ("MWL")** -The freehold interest in the wharf highlighted GREEN mainly under the Railway Bridge and labelled number [8]

**Pure Resource Recovery Limited ("PRRL")** - The freehold interest in the listed Powerhub building highlighted PINK and labelled number 1

**TBH (Kent) Limited ("TKL")** -The long leasehold interest in the listed Powerhub building highlighted PINK and labelled number 1

**Baltic Wharf (Maidstone) Limited ("BWML")** - The freehold interest of the remaining land and buildings detailed below:

- Access roads and wharfs highlighted WHITE and labelled [9]
- Raglan House highlighted ORANGE and labelled 4
- Retail sheds highlighted BLUE and labelled 2
- Storage and light industrial sheds and out-buildings highlighted PURPLE and labelled 3
- Retail parking also highlighted in BLUE and labelled 5
- North car park highlighted GREY and labelled 7

### **Other comments on the plan:**

Network Rail owns the land highlighted RED and labelled 6. Neither, Network Rail; BWML or WML have access rights over the others land.

### **Other ownership comments:**

BWML and TKL are both ultimately owned by Terance Butler Holdings Limited.

No dominant shareholder for the application site exists. Each company has entered in to an agreement on commercial terms in order to aggregate the sites required to fulfil the proposed development being consider by this appeal

## APPENDIX 2

### BALTIC WHARF SCHEDULE OF FLOORSPACES & USERS

Provided by the appellants but not verified by the Council

#### Powerhub Building

Floor	Area square feet (GIA)	Area square metres (GIA)
Ground floor/basement (largely vacant but small areas of B1 and B2 use)	27,373	2,543
First floor (vacant)	28,720	2,668
Second floor (vacant)	28,004	2,602
Third floor (vacant)	27,546	2,559
Fourth floor (vacant)	27,537	2,558
Fifth floor (vacant)	5,257	488
<b>Sub-total</b>	<b>144,437</b>	<b>13,419</b>

#### Raglan House

Floor	Area square feet (GIA)	Area square metres (GIA)
Ground floor (B1 uses)	3,035	282
First floor (D2 use)	3,035	282
Second floor (B1 use)	2,220	206
<b>Sub-total</b>	<b>8,290</b>	<b>770</b>

#### The Sheds

Unit.	Area Sq Ft (GIA)	Area Sq M (GIA)	Area Sq Ft (NIA)	Area Sq M (NIA)
Lincoln Pine (retail) inc mezzanine storage	24,281	2,256	6,129	569
Fabric Warehouse (retail) inc	16,583	1,541	16,583	1,541

mezzanine retail				
<b>Sub-total</b>	<b>40,864</b>	<b>3,797</b>	<b>22,712</b>	<b>2,110</b>

#### Employment Buildings

Unit	Area square feet (GIA)	Area square metres (GIA)
G5 – Kent Music (B8 use)	716	67
G5A – Norton Electrical (B1/B2)	700	65
G6 – Natural Fires (retail)	1,801	167
G17 – Institute of Chimney Sweeps (D1)	1,784	166
G18 – Michael Gornall (B8)	6,042	561
<b>Sub-total</b>	<b>11,043</b>	<b>1,026</b>

<b>Grand total</b>	<b>204,634</b>	<b>19,012</b>
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## APPENDIX 3

### LIST OF PLANS FORMING PLANNING APPLICATION MA 13 0297 and LISTED BUILDING CONSENT MA 13 0298

3332_PL_00 Rev B	Context Plan
3332_PL_01 Rev A	Site Location Plan
3332_PL_02 Rev B	Existing Site Plan
3332_PL_03 Rev B	Proposed Site Plan
3332_PL_10	Existing Floor Plans – Ground Floor
3332_PL_11	Existing Floor Plans – First Floor
3332_PL_12	Existing Floor Plans – Second Floor
3332_PL_13	Existing Floor Plans – Third Floor
3332_PL_14	Existing Floor Plans – Fourth Floor
3332_PL_15	Existing Floor Plans – Fifth Floor
3332_PL_16	Existing Floor Plans – Roof Level Plan
3332_PL_17 Rev A	Existing Site Elevations
3332_PL_18 Rev A	Existing Site Sections
3332_PL_19 Rev A	Existing Building Elevations
3332_PL_20 Rev A	Demolition – Existing Ground Floor Plan
3332_PL_21 Rev C	Demolition – Existing and Proposed Ground Floor Plan
3332_PL_22 Rev C	Demolition – Existing and Proposed Elevations (1 of 2)
3332_PL_23 Rev C	Demolition – Existing and Proposed Elevations (2 of 2)
3332_PL_24 Rev B	Demolition – Existing and Proposed Plans Ground Floor
3332_PL_25 Rev B	Demolition – Existing and Proposed Plans First Floor
3332_PL_26 Rev B	Demolition – Existing and Proposed Plans Second Floor
3332_PL_27 Rev B	Demolition – Existing and Proposed Plans Third Floor
3332_PL_28 Rev B	Demolition – Existing and Proposed Plans Fourth Floor
3332_PL_29 Rev B	Demolition – Existing and Proposed Plans Fifth Floor
3332_PL_30 Rev B	Proposed Floor Plans - Ground Floor
3332_PL_31 Rev B	Proposed Floor Plans - First Floor
3332_PL_32 Rev B	Proposed Floor Plans - Second Floor
3332_PL_33 Rev A	Proposed Floor Plans – Third Floor
3332_PL_34 Rev A	Proposed Floor Plans - Fourth Floor
3332_PL_35 Rev A	Proposed Floor Plans Roof Level Plan
3332_PL_37 Rev C	Proposed Site Elevations
3332_PL_38 Rev B	Proposed Site Sections
3332_PL_39 Rev C	Proposed Building Elevations
3332_PL_40 Rev B	Proposed Building Elevations
3332_PL_41 Rev B	Proposed Building Section
3332_PL_42 Rev B	Proposed 'Interpretation Centre'
3332_PL_45 Rev B	North Site Car Park - Existing
3332_PL_46 Rev A	North Site Car Park - Proposed
3332_PL_60 Rev A	Detailed and Outline Planning Application Drawing
3332_PL_70 Rev B	Parameter Plan – Proposed Planning Outline
1486.P1	Site Analysis and Strategy
1486.P2	Landscape Strategy
1486.P3	Illustrative Landscape Masterplan
1486.P5	Detailed Area – illustrative sections
1486.P6	Materials Palette
1486.P7	Planting Palette – shrubs and grasses
1486.P8	Planting Palette - Trees

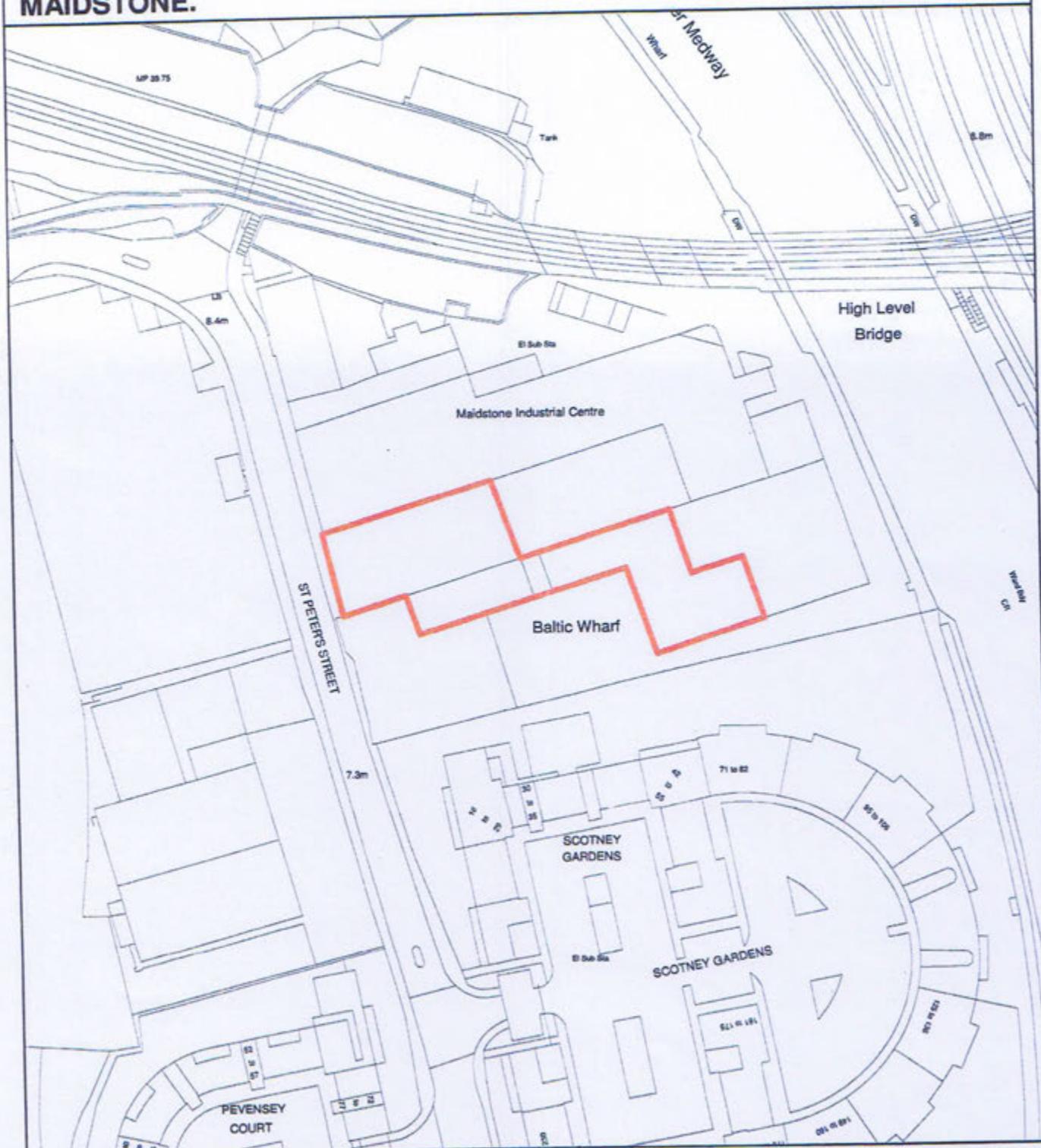
**APPENDIX 4**

**PLAN OF SITE OF CERTIFICATE OF LAWFUL USE AND DEVELOPMENT**

# THE MAIDSTONE BOROUGH COUNCIL

MBC Ref: MA/13/1450/CLD

**BALTIC WHARF, ST PETERS STREET,  
MAIDSTONE.**



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**Rob Jarman**  
Head of Planning and Development

## APPENDIX 5

### PROPOSED CORE DOCUMENTS

#### REPORTS & OTHER DOCUMENTS SUPPORTING PLANNING APPLICATION FOR REDEVELOPMENT OF BALTIC WHARF

	<u>Title</u>	<u>Author/Originator</u>
Doc 1)	Development Specification	GVA
Doc 2)	Planning Statement	GVA
Doc 3)	Retail Assessment	GVA
Doc 4)	Transport Assessment & Travel Plan	RGP
Doc 5)	Supplementary Transport Reports	RGP
Doc 6)	Northern Bridge Maidstone Bridges Gyratory - Stage 1 RSA Designer's response	RGP
Doc 7)	London Road / Buckland Hill Junction - Stage 1 RSA Designer's response	RGP
Doc 8)	New Site access, Stage 1 RSA Designers Response	RGP
Doc 9)	Heritage Statement	Beacon Planning
Doc 10)	Design & Access Statement Ltd	Chetwoods Architects
Doc 11)	Flood Risk Assessment Practice	The Civil Engineering
Doc 12)	Assessment of Archaeological Significance	ARM
Doc 13)	Phase 1 Desktop Site Appraisal (Contaminated Land Study)	Merebrook Consulting
Doc 14)	Sustainability Statement	Iceni Projects
Doc 15)	Energy Statement	Iceni Projects
Doc 16)	Marketing Report	Watson Day
Doc 17)	Viability Assessment	GVA
Doc 18)	Structural Appraisal Summary Report	Alan Baxter
Doc 19)	Addendum to Structural Appraisal report for reinforced concrete framed factory building	Alan Baxter
Doc 20)	Air Quality Impact Assessment	URS
Doc 21)	Noise Impact Assessment	URS

Doc 22)	Statement of Community Involvement	Snapdragon
Doc 23)	Proposed Development Images from 3D Model Ltd	Chetwoods Architects
Doc 24)	Planning Application Form	
Doc 25)	Listed Building Consent Application Form	
Doc 26)	Letter to Maidstone Borough Council (Sarah Anderton, Principal Planning Officer) with attachments dated 29 April 2013	
Doc 27)	Letter to Maidstone Borough Council (Sarah Anderton, Principal Planning Officer) with attachments dated 25 June 2013	
Doc 28)	Plans and Drawings forming the appeals applications	
	3332_PL_00 Rev B	Context Plan
	3332_PL_01 Rev A	Site Location Plan
	3332_PL_02 Rev B	Existing Site Plan
	3332_PL_03 Rev B	Proposed Site Plan
	3332_PL_10	Existing Floor Plans – Ground Floor
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	3332_PL_12	Existing Floor Plans – Second Floor
	3332_PL_13	Existing Floor Plans – Third Floor
	3332_PL_14	Existing Floor Plans – Fourth Floor
	3332_PL_15	Existing Floor Plans – Fifth Floor
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	3332_PL_24 Rev B	Demolition – Existing and Proposed Plans Ground Floor
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	3332_PL_26 Rev B	Demolition – Existing and Proposed Plans Second Floor
	3332_PL_27 Rev B	Demolition – Existing and Proposed Plans Third Floor
	3332_PL_28 Rev B	Demolition – Existing and Proposed Plans Fourth Floor
	3332_PL_29 Rev B	Demolition – Existing and Proposed Plans Fifth Floor
	3332_PL_30 Rev B	Proposed Floor Plans - Ground Floor
	3332_PL_31 Rev B	Proposed Floor Plans - First Floor
	3332_PL_32 Rev B	Proposed Floor Plans - Second Floor
	3332_PL_33 Rev A	Proposed Floor Plans – Third Floor
	3332_PL_34 Rev A	Proposed Floor Plans - Fourth Floor
	3332_PL_35 Rev A	Proposed Floor Plans Roof Level Plan
	3332_PL_37 Rev C	Proposed Site Elevations
	3332_PL_38 Rev B	Proposed Site Sections
	3332_PL_39 Rev C	Proposed Building Elevations
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1486.P5	Detailed Area – illustrative sections
1486.P6	Materials Palette
1486.P7	Planting Palette – shrubs and grasses
1486.P8	Planting Palette – Trees

- Doc 29) Email to Louise Welsford, Maidstone Borough Council, dated 6 September 2013, enclosing pdf version of Viability Assessment Report
- Doc 30) Email to Louise Welsford, Maidstone Borough Council, dated 10 October attaching documents relating to Viability Assessment Report and drawing.
- Doc 31) Certificate of Lawful Use or Development (MA/13/1450) from Maidstone Borough Council – dated 11 October 2013

### **Other Planning Documents**

- Doc 32) National Planning Policy Framework – March 2012
- Doc 33) PPS5: Planning for the Historic Environment Practice Guide – Revision Note June 2012 by English Heritage
- Doc 34) Planning for Town Centres: practice guidance on need, impact and the sequential approach – December 2009
- Doc 35) National Planning Practice Guidance – Conserving and enhancing the historic environment – August 2013
- Doc 36) The Maidstone Borough-wide Local Plan – Adopted December 2000
- Doc 37) Maidstone Borough Local Plan Public Consultation Draft (Regulation 25) – 2011
- Doc 38) DTZ Maidstone Town Centre Assessment for Maidstone Borough Council – August 2013
- Doc 39) DTZ Retail Capacity Study for Maidstone Borough Council June 2013
- Doc 40) Retail Critique on Baltic Wharf Maidstone by Nathaniel Lichfield & Partners (NLP) for Maidstone Borough Council – April 2013
- Doc 41) Letter from Nathaniel Lichfield & Partners to Sarah Anderton, Maidstone Borough Council, dated 23 July 2013, reviewing GVA's response to April 2013 Retail Critique
- Doc 42) Planning officer's report 9<sup>th</sup> January, 2014, on planning application MA/13/0297
- Doc 43) Planning officer's report 9<sup>th</sup> January, 2014, on listed building consent application MA/13/0298  
Urgent Update Report for Planning Committee Meeting (9<sup>th</sup> January 2014)
- Doc 44) Decision letter on application MA/13/0297
- Doc 45) Decision letter on application MA/13/0298

- Doc 46) Decision notice MA/13/1450 by Maidstone Borough Council for application for Certificate of Lawfulness for Baltic Wharf, St Peters Street, Maidstone.
- Doc 47) Report of Head of Planning to Maidstone Borough Council Planning Committee on 10<sup>th</sup> October, 2013, on Tree Preservation Order No. 2 of 2013. Tree at junction of London Road and Buckland Hill, Maidstone.
- Doc 48) Tree Preservation Order No. 2 of 2013
- Doc 49) Appellants' representation to Maidstone Borough Council opposing Tree Preservation Order No. 2 of 2013.
- Doc 50) London Road, Bower Mount Road and Buckland Hill Area Character Area Assessment SPD (December 2008)
- Doc 51) National Planning Practice Guidance: Conserving and enhancing the historic environment (August 2013)
- Doc 52) Maidstone Landscape Character Assessment Supplement 2012 (saved sections of the Landscape Character Assessment and Landscape Guidelines 2000) – as approved 19 July 2013
- Doc 53) Maidstone Town Centre Study (prepared by Urban Practitioners), 2010
- Doc 54) Report of Director of Change, Planning and the Environment, dated 10 August 2011, regarding draft Regulation 25 Core Strategy for consultation purposes
- Doc 55) Report of Assistant Director of Environment and Regulatory Services to Cabinet, dated 12 September 2012, regarding the options for the future of the King Street Multi Storey Car Park site
- Doc 56) Report of Head of Planning and Development to Cabinet, dated 4 December 2013, regarding Maidstone Borough Local Plan Public Consultation Draft (Group 2 Policies) and Appendix A, B, C, D and E
- Doc 57) "Local Plan Viability Testing" by Peter Brett Associates, April 2013.
- Doc 58) Correspondence obtained from Maidstone Borough Council relating to applications MA/13/0297 and 0298 by way of Freedom of Information Act requests.
- Doc 59) Third Party Correspondence relating to the appeals received by PINS up to the Inquiry start date.
- Doc 60) Statement of Case on Behalf of Maidstone Borough Council
- Doc 61) Statement of Case on Behalf of the Appellants
- Doc 62) Statement of Common Ground between the Maidstone Borough Council and the Appellants.
- Doc 63) "Form and Fancy –Factories and Factory Buildings by Wallis, Gilbert & partners , 1916-1939" by Joan S Skinner, Liverpool
- Doc 64) Report to Cabinet Meeting 24<sup>th</sup> February, 2014, of the Head of Planning and Development – Maidstone Borough Local Plan Public Consultation Draft (Regulation 18)
- Doc 65) Report to Cabinet Meeting 24<sup>th</sup> February, 2014, of the Head of Planning and Development - Infrastructure Delivery Plan

- Doc 66) Report to Cabinet Meeting 24<sup>th</sup> February, 2014, of the Head of Planning and Development – Community Infrastructure Levy - Preliminary Draft Charging Schedule
- Doc 67) Minutes of Maidstone Borough Council Cabinet Meeting 24<sup>th</sup> February, 2014