

APPLICATION: MA/13/0298 Date: 20 February 2013 Received: 21 February 2013

APPLICANT: C/O Baltic Wharf (Maidstone) Ltd.

LOCATION: BALTIC WHARF, ST PETERS STREET, MAIDSTONE, KENT, ME16 0ST

PARISH: Maidstone

PROPOSAL: 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.

AGENDA DATE: 9th January 2014

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- Councillor Pickett has requested it be reported for the reason set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: None specifically relevant.
- Government Policy: National Planning Policy Framework 2012 (NPPF).

2. HISTORY

MA/13/1450 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. Approved.

MA/13/0298	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. Not yet determined.
MA/12/0125	Prior notification of proposed demolition of the Powerhub business centre building. Approved.
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/06/1396	Change of use from class B1 use (internet service providers office)to a sui generis use as a credit bookmakers office/exchange trading office – Approved with conditions.
MA/98/1442	Change of use to retail sales of pine furniture and associated goods with storage and ancillary office space – Approved with conditions.
MA/96/1013	Change of use of existing industrial unit to retail use (for the sale of soft furnishings) – Approved with conditions.
MA/95/0804	Use of premises as a taxi and private hire telephone and booking office – Approved with conditions.
MA/95/0295	Use of premises as a dancing school – Approved with conditions.
MA/94/0607	Change of use to indoor golf simulation centre – Approved with conditions.
MA/92/1447	Part change of use to resource unit for people with learning

disabilities – Approved with conditions.

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 – Approved with conditions.
MA/84/1474	Change of use to retail warehouse – Refused – allowed at appeal.
MA/79/0835	Change of use to sandwich bar – Approved.
MA/78/1894	Change of use to coach works and paint spray shop – Approved with conditions.

3. CONSULTATIONS

3.1 **Maidstone Borough Council Conservation Officer** was consulted and made the following comments:

3.1.1 These proposals affect the old Tilling Stevens factory building, latterly known as the Powerhub. The building was Grade II listed in February 2012. The principle reasons for listing are set out in the list entry description and may be explained as follows:-

- i) Historic interest as being the earliest surviving building designed by Wallis, Gilbert and Partners, the foremost factory architects of the inter-war period. It was designed in 1916 and erected in 1917. It is also important for being one of the few surviving examples of their early work not to have undergone significant alteration.
- ii) Technical interest as one of the few surviving English examples of factories built using the Kahn Daylight system, an adaptable, efficient and influential system of factory building originally developed by the architect Albert Kahn in America where it was used in many early automotive factories (e.g the Highland Park Ford factory, opened in 1910, which pioneered the continuous assembly line) in conjunction with the Trussed Concrete Steel Company (Truscon) which had been founded by Kahn's engineer brother Julius to produce his patented system of reinforced concrete. These factories vividly contrasted visually with traditional factory buildings of the time, exhibiting their concrete structure externally in the strongly gridded appearance with large areas of glazing infilling the grid, features well illustrated in the Tilling Stevens building. As would be expected, the provision of natural daylight penetrating into the interior of the building was an

important feature of these "Daylight Factories" expressed by the large expanses of window – not only did this provide the level of lighting and ventilation prescribed, for example, by Henry Ford but it was also seen as improving the working environment thus inducing a positive mental attitude in workers towards their work – an opinion expressed by a third Kahn brother, Moritz, who had been sent to England in 1905 to set up the British branch of Truscon, in "The Design and Construction of Industrial Buildings" published in the Technical Journal of London in 1917 and shared by Thomas Wallis himself as expressed in an article on "Factories" published in the Journal of the RIBA on 25th February 1933 where he identified a link between a "poor work environment and sordid minds, breeding sedition and contempt for society" in the minds of workers. This concern for worker's welfare (for sound economic reasons) also expressed itself in the daylight factories by the provision of facilities such as changing rooms, washing and toilet accommodation and medical services – these facilities, provided at the Tilling Stevens works in the projecting northern wing, were described in a review of the building in the Architects' Journal of 26th January 1921 in the following terms-

"...the workmen's dressing accommodation is a feature of the planning arrangements and a separate metal cupboard is allocated to each employee. The cleansing arrangements are excellent and a plentiful supply of hot and cold water is available. A sick bay, replete with all surgical appliances, is provided in case of accidents, and is in charge of a competent staff."

Another characteristic of the Kahn factories, particularly starting with the Ford Highland Park unit, was the creation of unobstructed workspace within the main body of the factory by placing all services and vertical circulation at the edges of the building, sometimes in projecting external structures, thus enabling the continual change in the placement of machinery and the development of the continuous production line. The original 1909 floorplans by Albert Kahn for the first building at Highland Park show projecting stair turrets (this building has now been demolished) and similar structures appear to have been a feature of Kahn's earlier Building No. 10 of 1903-1910 for the Packard Motor Car Company of Detroit. This characteristic is also displayed by the Tilling Stevens factory, both in the service wing already described and in the staircase/ lift "turret" on the elevation facing the river.

- iii) Architectural interest – the front elevation of the building to St. Peter's Street exhibits compositional devices and decorative motifs typical of the work of Wallis Gilbert and Partners in a stripped Classical style which foreshadows designs more typical of the Art Deco and Moderne movements of the 1920s and 1930s; the rationality and expressed structure of the other elevations signifies the modern approach to industrial design which the factory represents.

The proposals envisage the demolition of a number of elements of the listed building and of other buildings within the curtilage. It is also proposed to add a large extension to the southern side of the listed building to house a supermarket, although this element is in illustrative form only at this stage. The lower floors of the listed building would be largely used for car parking associated with the supermarket, whilst the top floors would be converted to office and leisure uses.

Re-use of the building is obviously to be welcomed in principle as is the consequent repair to the structure; benefits are also proposed in terms of the replacement of the 1980s UPVC windows with metal windows to closely reproduce the original windows.

3.1.2 I have the following comments to make on some of the elements of demolition.

- i) Removal of the North wing. This wing formerly housed the workers' facilities and one of the lift/ stair turrets. Although the internal layout has been changed to some extent, the stairs and lift remain. The wing as a whole remains as important physical evidence of the way the original factory worked, both in terms of vertical circulation and in terms of the provision of facilities for workers, both of which were typical features of Daylight Factories. The loss of this physical evidence would be harmful to the significance of the listed building, making its interpretation more difficult and removing one of the typical projecting structures which characterise these buildings. The proposal to rebuild in a similar style but to a smaller footprint and with fewer storeys would be meaningless.
- ii) Removal of the lift shaft and staircase to the east elevation. This prominent and original feature of the building is of similar importance and its removal would again be very harmful to the significance of the listed building for the same reasons as i)
- iii) Removal of the fifth floor and lift shaft above roof level. It is accepted that this part of the building is in a poor structural condition. There is some debate as to whether it is an original part of the design or a later addition. It certainly appears in early photographs of the building and has been carefully designed to form part of the impressive architectural composition of the St. Peter's Street frontage; if not part of the original design it was most likely added during construction. It is particularly prominent in views of the building from Buckland Hill and its loss would be architecturally unfortunate, leaving the "show" elevation of the building looking rather truncated, and would thus cause harm to the significance of the listed building.

- iv) Removal of south central lift shaft – this is a late 20th Century addition and I have no objection to its removal.
- vi) Demolition of Raglan House – this building has been granted a Certificate of Immunity from listing as it was not found to meet the criteria for listing. However, it is subject to listed building control by virtue of being within the curtilage of the listed building (and indeed attached to it). This 1912 building (albeit having some unfortunate modern alterations does have some interest in providing the context for the Wallis Gilbert and Partners Building (as part of the same factory) and as illustrating the great contrast in architectural approach between two buildings erected only 5 years apart. Its loss would therefore result in some harm to significance.
- v) Demolition of sheds to south and east of the listed building – again, there is some doubt whether these pre- or post-date the erection of the 1917 building (in old photos they look very similar to the older Victoria Works buildings on the other side of the street). Whichever is the case, they have been significantly altered in the late 20th Century, and I have no objection to their loss.
- vi) Various other buildings proposed for demolition – no objections.

3.1.3 With regard to items i) to iii) above, it is appropriate to recall that one of the reasons for listing given is the completeness of the structure; had these elements already been removed at the time of assessment for listing it might have tipped the balance against listing.

3.1.4 With regard to the proposed additions, these are only illustrative at the present; as no final end user has yet been identified they could change significantly if permission were to be granted. As currently shown, the extension is certainly very large and does have some unfortunate impacts on the listed building – for example, the way in which it wraps around the riverside frontage, partially obscuring the original listed building, and its abutment to the southern elevation of the Wallis Gilbert and Partners building where it would result in the loss or obscuring of substantial areas of fenestration which are an important feature of the “Daylight Factories”. These relationships would cause harm to significance.

3.1.5 The applicants have provided viability reports which aim to show that the current use is not sustainable and investigating alternative uses for the listed building. It seems apparent that the current use has failed and is no longer viable and that a new use must therefore be found; the viability report looking at alternative uses looks solely at the conversion of the listed building and concludes that no options exist for alternative uses which would produce a financially viable scheme without additional development. I am happy to accept that this is the case and that some type of enabling development is needed to fund the restoration and

re-use of the listed building. However, nowhere does it appear to say that the scheme currently put forward is the only viable enabling development scheme possible. Given the need under the NPPF to balance harm to listed buildings against potential public benefit accruing from development proposals, I remain concerned that the level of such public benefit would not be sufficient to offset the considerable harm to significance which would be caused by these proposals, particularly given the speculative nature of this scheme where no end user has been positively identified and where there is therefore no guarantee of delivery if permission is granted.'

3.2 **English Heritage** were consulted and made the following comments:

3.2.1 'The Tilling-Stevens Factory, now known as the Powerhub, is a redundant early twentieth century factory for the manufacture of motor vehicles. The current application to convert and extend this Grade II listed building to form a supermarket would entail a high degree of harm to its heritage significance, which as required by the NPPF needs to be weighed against the public benefits of the current proposal.

3.2.2 Whilst English Heritage accepts that reuse of this building is in the public interest, we question whether the public benefits of this scheme are deliverable and whether they are sufficient to outweigh the associated harm to significance. In determining this application, we recommend that your Council should consider whether it would be possible to secure the future of this building in the medium term in an alternative way that would entail less harm to significance'.

3.2.3 The English Heritage response then provides more detail as to how this view is formed:

3.2.4 'The Tilling-Stevens Factory on St Peter's Street, Maidstone was built in 1917 for the manufacture of motor vehicles. It is now grade II listed and known as the Powerhub. Its designers, Wallis, Gilbert and Partners, in this case in collaboration with Truscon, were the foremost factory architects of the inter-war period and this one of their early factories built using the Kahn Daylight System, an adaptable, efficient and influential system of factory building developed in America. The system is composed of a regular grid of exposed concrete columns, beams and slabs, with the structure exposed externally on all but the west elevation and in-filled with brick panels and large multi-paned windows, the latter replaced in the later twentieth century to a different pattern.

3.2.5 The building's imposing western façade is broadly Classical in style, whilst also clearly expressing through its imposing scale and exaggerated stylised detailing a confidence in modern manufacturing practices. The monumental original designs for the building were nonetheless only partly realised, with the intended

rectangular plan and central lightwell designed to be executed in stages but ultimately only completed on the northern side; forming the L-shaped plan that now survives. Its five storeys were connected by electric lifts and stair towers to allow the manufacturing processes to be carried out in a downward flow through the building. a projecting range on the north side contained the main goods lift and stair, along with the services and amenities for staff. The exposed concrete floor joists have circular holes pre-cast to allow for overhead power to factory machinery.

- 3.2.6 The current planning application is made in hybrid form and proposes to extend and convert the lower three storeys of the former factory to create a supermarket and associated parking. The upper storeys would be converted for office and leisure uses. The proposed works of alteration and repair to the listed building itself are detailed, both in the current planning application and in accompanying application for listed building consent, whereas the final design and format of the supermarket extension is made in outline; this reflects the fact that the proposal is speculative and therefore without a specific operator in mind.
- 3.2.7 The proposals include work that would do harm to the significance of the listed building. The removal of the original stair tower and lifts on the east and north elevations respectively would reduce an understanding of the flow of manufacturing processes that help explain the Kahn Daylight System. Whilst the existing sheds that currently abut the south elevation are not of special interest in themselves, the proposed new supermarket, which would replace them and wrap around both the south and east elevations of the building up to three stories, would conceal more of the building's external elevations. Because the factory's south and east elevations are both prominent from the town and are of particular significance for illustrating the design principles of the Kahn Daylight System (i.e. the exposed concrete frame and large windows providing ample daylight), we consider that obscuring more of these elevations should be treated as harmful to the significance of the listed building.
- 3.2.8 The proposed internal alterations include the removal of some of the concrete structure, particularly at ground floor level where ramps are proposed for vehicular access to first floor parking. This would again reduce the understanding of how the building functioned, but as the main structure is broadly repeated on all other floors, we consider this particular harm to significance to be less than substantial. There is, however, additional harm to significance from the loss of the infill panels on the south side (especially at second floor level where there is more original fabric and where their loss does not appear to be necessary to allow for the new use). We are also concerned about the proposed western stair tower to the supermarket extension, which by referring in scale and detail to the main west front would unbalance its symmetrical composition.

- 3.2.9 The current proposal also includes removal of Raglan House, the pre-existing 1912 offices to Tilling-Stevens. A certificate of immunity from listing has been granted for Raglan House, and whilst we would not object to its removal to facilitate the optimum viable use of the adjacent factory, its local interest derived from its association with the Tilling-Stevens firm would nonetheless be lost.
- 3.2.10 There are some proposed enhancements to the significance of the listed building, including a package of repairs and reinstatement of multi-paned windows of the original pattern, which should be weighed against the above-mentioned harm. If permission were to be granted in this case, we suggest that any such enhancements would need to be more fully specified and legally tied to the planning permission, for example by way of a S106 agreement or similar.
- 3.2.11 English Heritage concludes that this proposal would nonetheless result in a high degree of harm to the significance of the listed building, but for the purposes of the NPPF we think this falls just short of 'substantial harm'. We therefore recommend that this application should be determined in accordance with paragraph 134 of the NPPF, which states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of this proposal, including securing its optimum viable use'.
- 3.2.12 The proposed supermarket would bring about some public benefits by giving the listed building new use, but we question whether this is its optimum viable use. The optimum use in terms of the conservation of the building is likely to be open plan commercial or residential units, which could be flexibly accommodated in the building with minimum adaptation. These uses are not currently considered viable by the applicant, but in determining the application it would be appropriate for your Council to consider the likely viability of such uses over the medium term, for example in relation to projected local trends and allocations in your local plan. It would be regrettable for harmful and irreversible alterations to be accepted to the building in the current economic circumstances if a less harmful solution is reasonably possible in the medium term. Despite some notable repair needs, the building itself is relatively robust and does not demand a new use in the short term for its preservation.
- 3.2.13 It also remains to be seen whether the proposed supermarket use is itself viable and therefore whether it could be expected to generate the public benefits necessary to outweigh the over-mentioned harm. We note, for example, that the current scheme is speculative and that any additional demand for supermarkets in the town is already catered for in separate local plan allocation. On this basis,

we think it questionable that the current scheme would lead to sufficient public benefits to outweigh its harm to the significance of the listed building.

3.2.14 Planning permission and listed building consent should only be granted if, in accordance with paragraph 134 of the NPPF, your Council considered that the public benefits of this proposal outweigh the high degree of harm that this scheme entails to the heritage significance of the grade ii listed former Tilling-Stevens factory'.

3.3 **The Twentieth Century Society** were consulted and made the following comments:

3.3.1 'The recent grade II listing of the factory clearly reflects the historic significance of the building as the earliest surviving of Wallis Gilbert and Partner's factories. Architecturally, the design of the building is also exceptional; the building is characterised by the early use of the Daylight system and a simple palette of materials. Although the windows have been altered, the building is still legible and this intactness is significant. This is an imposing and prominent building, characterised as a 'positive landmark' on the Maidstone Town Centre Study of 2010.

3.3.2 The proposals seek to re-use the listed building and extend it to provide a food store with mixed use on the upper floors. The Society can see the benefits of the change of use to allow this building to be brought back into beneficial use. The Society supports the proposals to refurbish the listed building and to replace the non-original windows with units more sympathetic to the original design. We also have no objection to the demolition of the later twentieth century sheds that have accumulated on the site, and detrimentally affect the setting of the listed building. A free-standing building or extension with minimum impact on the listed building is, in the Society's view, a positive use of the site, as long as the new buildings are designed to be sympathetic to the setting of the listed building and do not detract from its significance.

3.3.3 However, the Society objects strongly to the demolition of the north wing and fifth floor of the listed building. These proposals interrupt the form of the list building to an unacceptable extent. We would contend that the substantial amount of demolition of other structures on site should give ample scope for achieving satisfactory circulation space and servicing areas. The demolition and reconstruction of the north wing represents an unacceptable loss of historic fabric, especially as the proposal is to reconstruct this area. The fifth floor loft is original and can be seen on early photographs of the factory. The loss of this element has a detrimental effect on the appearance of the front façade of the listed building which appears truncated without it. This loss of original fabric

should be resisted and justification sought as to why repair, refurbishment and the reuse of space is not possible.

- 3.3.4 The Society is not convinced by the applicant's assertion that the new build extension is 'subordinate' to the listed building. This extension is a massive intervention which causes substantial harm to this heritage asset. The scheme as currently formulated is characterised by overpowering scale and massing which overwhelms and detracts from the listed building. The view from the river is especially compromised'.
- 3.3.5 The response then quotes para. 134 of the NPPF, which I will not copy verbatim. This paragraph refers to the weight given to the protection of heritage assets.
- 3.3.6 As a grade II listed building, the factory clearly falls under this paragraph of the NPPF. Whilst the applicant has provided a summary of the proposals in the supporting documentation, they have failed to provide clear and convincing justification to support this large-scale intervention that will cause substantial harm, for the reasons above, to this designated heritage asset.
- 3.3.7 The onus on the Local Authority is to conserve heritage assets and not destroy them. The proposed extension will reduce the distinctiveness of the listed building, thus making a negative contribution, not a positive one as sought by the NPPF clause. This proposed development contemplates irreversible and hugely detrimental alterations to a grade II listed building, contrary to paragraph 132. This application should be refused consent as it would create a situation which, according to the NPPF should be 'exceptional'.
- 3.3.8 The Society cannot conceive how the applicant can justify the claim that total loss of a wing of this listed building and substantial extension and alteration of the retained building as 'less than substantial harm' to a heritage asset.
- 3.3.9 The applicant would appear to be approaching this development without due regard to the designated heritage asset status of the building. The Society would therefore urge Maidstone Council to refuse this damaging application and urge the applicant to reassess the scheme and its impact upon the listed structure'.

3.4 **Other five National Amenity Societies:** No response.

4. REPRESENTATIONS

- 4.1 Cllr David Pickett has requested consideration at Planning Committee. His reasons are as follows:

4.1.1 'Approving changes to a Grade II Listed Building is not a simple issue, it requires careful and deliberate consideration by the Planning Committee as to whether or not to proceed with the granting of planning consent and if so granted what conditions would be put in place and how they would be applied'.

4.2 **Neighbouring occupiers** were notified of the proposal and to date 4 letters of objection have been received. The objections within these letters are summarised below:

- Traffic and parking issues
- Unsuitable uses
- Impact on character of area.

4.3 **The Medway River Users Association** have written in to support the application, on the basis that they consider it would benefit the overall Baltic Wharf environment and increase the commercial attraction of the complex. The benefits of linkages with the river were also highlighted.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located upon the western side of the River Medway, within the urban confines of Maidstone. It currently contains a large industrial building, which has been recently listed (Grade II) which has a maximum of 6 storeys, although these are well articulated. The building has a significant level of glazing within all elevations, which derives from its conception as a factory that sought to benefit from daylight. It is this form of construction that is in part, the rationale behind its listing – this will be assessed in greater detail within the main body of the report.

5.1.2 The application site also contains a number of retail sheds. These structures are functional in their form, being of a metal clad construction, with metal roof. To the front of the site is a 2metre high palisade fence, which splays into the site itself.

5.1.3 The site is allocated within the Maidstone Borough Wide Local Plan (2000) for employment purposes. Policy ED2 (vii) identifies the site as an existing area of economic development for which uses classes B1 and B2 are appropriate.

5.1.4 To the north of the 'Powerhub' building is a two storey (which contains a mansard roof to create a third floor) structure known as Raglan House. Whilst an attractive structure, this does not form part of the listed building, but does lie within its curtilage. The Maidstone to London railway line also lies to the north of

the site on a raised embankment. There is a pedestrian footbridge that runs alongside this railway line, over the River Medway, towards the town centre. There are tunnels beneath the railway line that lead to land both within the applicants control, and also to a small cluster of houses, and a tennis club.

- 5.1.5 The River Medway runs to the east of the application site, and at present there is no public access into and across the land that fronts the river. The river at this point is approximately 30metres in width, with Royal Engineers Way further to the east, at a slightly elevated level. There are views of the building from the towpath on the eastern side of the river, and from the highway beyond.
- 5.1.6 The site can be viewed from the west from Buckland Hill, in particular its façade and the roof extension, which can be seen as one moves westwards up the hill. Directly opposite the site (to the west) are commercial buildings, which abut the road. These buildings are of a much lesser scale than the Powerhub building.
- 5.1.7 To the south of the site are large retail buildings, occupied by 'TK Maxx', 'The Range' (formerly 'Homebase') and 'Hobbycraft'. These buildings are of a significant mass, and of little aesthetic quality, although again, are of a lesser height than the Powerhub building. There is a large area of car parking between these retail units and the riverside – although the towpath is provided along this stretch.
- 5.1.8 The site is located outside of the town centre as defined within the existing Local Plan, and also within the emerging Local Plan. The site also lies beyond the 300metres of the edge of the town centre (in terms of both pedestrian and vehicle movements – not as the crow flies) and as such is not classified as an 'edge of town centre site' in accordance with government guidance.

5.2 Proposal

- 5.2.1 This is a Listed Building Consent application which seeks detailed approval of the works to the listed building. Outline planning permission for the retail element attached to it is sought under reference MA/13/0297.
- 5.2.2 Full details have been submitted with regards to the works that are proposed to the listed building. These comprise of the demolition of some of the exterior and internal elements of the building, as well as the details of how the proposal would be attached to the existing building.
- 5.2.3 The extent of the proposed demolition is as follows:
- Raglan House – not listed
 - The northern projection of the Powerhub building;

- The eastern stairwell;
- The southern stairwell;
- The extension to the roof;
- The sheds on the southern side of the Powerhub building;
- Buildings within the northern section of the site.

5.2.4 The proposal would include the provision of:

- A new roundabout at the point of access into the service yard;
- The completion of the towpath (with public access) along the riverside;
- New public realm (yet to be identified) to St Peters Street;
- New stairwells/lift provision on the northern side of the building;
- An extension to the existing building (details yet to be confirmed).

5.2.5 It is proposed to convert the existing building into car parking for the supermarket, office use, and potentially for leisure uses. The provision of car parking within the building would necessitate the loss of part of the existing, and the puncturing of the building upon its northern elevation. The applicant has included details in terms of how the building would be altered, both internally and externally, and which elements would be retained. The car park would result in the pillars being retained, as well as the fenestration on the front elevation (although the current access into the site would be closed up).

5.2.6 The proposed supermarket is shown as being on the second floor of the existing building, and within the new build. The retail floor and the car parking beneath would be linked by 'travelators' which would be positioned within a glazed section that would front the riverside. The proposal also provides an indicative area for a customer café – again on the river side of the proposal.

5.2.7 The third and fourth floors are proposed solely for offices. This use would not require significant internal alteration, aside from the demolition already set out. There would be the requirement for some internal partitions to be removed, however, many of these are not original.

5.3 Impact upon the Listed Building

5.3.1 The Conservation Officer has made full comments on this application, as have English Heritage and the 20th Century Society. These are set out in full within the report. These comments raise significant concern with regards to the impact of the proposal upon the listed building, and in particular with regards to the loss of significant parts of the external projections – including the eastern stairwell and the north wing.

5.3.2 Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

5.3.3 Paragraph 132 states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of a grade II listed building, park or garden should be exceptional...”.

5.3.4 In this case, the Conservation Officer has identified that substantial harm to the listed building would result from this proposal. The key elements of this harm would be the loss of the northern wing and the stair turret. These elements are considered integral to the functionality of the building as a Daylight Factory. One of the principle reasons for the listing of the building was technical grounds, as it is one of the few surviving English examples of a factory utilising the Kahn Daylight system, and one of the reasons given for listing is also the completeness of the structure. Due to the type of building, this functional interest is considered to be a key feature and the Conservation Officer’s view that substantial harm would result is considered a justified conclusion.

5.3.5 When a proposed development would lead to substantial harm the National Planning Policy Framework sets out that public benefits must outweigh the harm, or that all of the following four points apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conversion; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

5.3.6 Whilst the Council wish to see this important building brought back in to use, when assessing this proposal with the ‘public benefits’ borne in mind, it has to be very clear what these benefits are. To my mind, one of the main benefits would be to bring the riverside towpath into public use. The completion of this towpath has long been an aspiration of the Authority, and would enable greater movement of pedestrians along the western side of the River Medway. Whilst this is a clear benefit to the wider community, I do not consider this so great as

to warrant the substantial harm to the listed building. Furthermore, there appears to be no reason why this public benefit could not be provided through another form of development within the application site.

5.3.7 The applicants have indicated that there would be minor public realm improvements to the footpath along St Peters Street to the front of the site. To my mind, these enhancements would be required for any development that took place, and again, do not warrant the substantial harm to the listed building.

5.3.8 It has been proposed that 'suitable' contributions be made to enable enhancements of the pedestrian footbridge, subject to information being made available as to what the proposed enhancements are. To my mind, this is too vague, and again, of a minor scale that would not be of an overriding public benefit.

5.3.9 As there is no overriding public benefit, the four tests have to be fully considered. I shall go through these individually:

- *The nature of the heritage asset prevents all reasonable uses of the site* - Whilst a viability appraisal has been submitted, this indicates the potential uses at this point in time from a viability perspective, rather than from a 'built development' perspective. To my mind, through sensitive conversion, there are no grounds to suggest that this building would be unsuited for other uses, such as office or residential use. The Conservation Officer concurs with this view.
- *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conversion* - Again, the viability report submitted does raise concerns that there are no alternative viable uses at this point in time. However, with regards to the 'medium term' I am not convinced that there would not be an opportunity for the whole site to be comprehensively redeveloped for alternative uses - including residential and office uses.
- *Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible* - This has not been examined.
- *The harm or loss is outweighed by the benefit of bringing the site back into use* - As discussed above, the public benefits of this proposal are relatively limited, and as such, I do not consider that they outweigh the harm that has been identified.

5.3.10 The Council's Conservation Officer has set out very clearly why he considers the proposal would have substantial harm. The main concerns being the loss of the external staircases on the north and the east of the building. I concur with this

view, and the view of the Twentieth Century Society, and will not therefore repeat the views. Whilst clearly the Council do wish to see this imposing structure retained, and enhanced, it does not consider that this proposal is acceptable by virtue of the harm caused. As such, I recommend that the proposal be refused on the impact of the proposal upon the listed building.

6. CONCLUSION

- 6.1 The applicant has put forward a strong argument that this proposal would be the best way to preserve the listed building in the medium to long term. However, the Council's Conservation Officer concludes that the development would cause substantial harm to the listed building, and as such, objects to this proposal. I concur with this view. There are not considered to be substantial public benefits which would outweigh the harm. I therefore recommend that the application be refused on this ground, in line with the National Planning Policy Framework.

7. RECOMMENDATION

REFUSE LISTED BUILDING CONSENT FOR THE REASON GIVEN BELOW:

1. The proposed development, due in particular to the loss of the stairwell and north wing, would result in substantial harm to the Grade II Listed Building, which is not considered to be outweighed by the public benefits of the scheme. The proposal therefore conflicts with the advice given in the National Planning Policy Framework, paragraphs 131, 132 and 133.