

## **BALTIC WHARF (MAIDSTONE) LTD – REPRESENTOR R19143.**

### **HEARING SESSION 6A -FURTHER SUBMISSIONS**

#### **MAIDSTONE & OTHER URBAN AREA HOUSING – Qn6.17**

- 1) In this further representation, Baltic Wharf (Maidstone) Ltd seeks to respond to the Inspector's Qn6.17 which stated:  
*“Does Baltic Wharf suggest that their site is suitable for residential development notwithstanding that (they) are seeking an allocation for other uses and, if not, what other non-office sites would be potentially suitable?”.*  
The answer to the question with respect to Baltic Wharf is subject to the considerations set out below.
- 2) Baltic Wharf is in five separate ownerships, including land owned by Network Rail, as shown on the attached plan and schedule (Appendix 1) that formed part of BWML's evidence at the 2014 appeal. The 2014 appeal is referred to extensively in BWML's original representation. Excluding the Network Rail land, no dominant shareholder exists for the Baltic Wharf site as a whole. Each landowner entered into an agreement on commercial terms to aggregate the site required for the foodstore led redevelopment the subject of the 2014 appeal.
- 3) The key test to be considered in any redevelopment of the Baltic Wharf site is what represents an optimum viable use for the Powerhub listed building. At present, only a foodstore led development incorporated into the Powerhub building is the accepted optimum viable use in NPPF terms (paragraphs 133 and 134) for that listed building, a national heritage asset. Residential development of the Powerhub building on its own would not be viable. A foodstore development at the lower levels of the building with residential development above would be viable. However, any foodstore development would rely upon all four landowners (excluding Network Rail) making the whole Baltic Wharf site available.
- 4) Standalone residential development of the whole Baltic Wharf site was subject to viability appraisal by an expert witness for BWML at the 2014 appeal inquiry. The inspector who determined the 2014 appeal accepted BWML's evidence that a standalone residential development of the site, including the Powerhub listed building, was not viable. He found, based on the evidence submitted on behalf of Maidstone Borough Council (MBC), that a residential development scheme for the whole site, even though it might make a small profit, could not be considered a viable proposition either at the date of determination of the appeal or in the foreseeable future.
- 5) The inspector at paragraph 12 of his report which is attached (Appendix 2) considered that if the foodstore led redevelopment was refused permission it would be understandable if owners of other parts of the site, excluding the Powerhub listed building, did pursue alternative viable options for their individual ownerships. These landowners had come together on the foodstore led development because each owner would get an acceptable return but there was no reason why they should come together on a development scheme that was not viable. This is a straightforward financial/commercial imperative that is bound to apply whatever the relationships between the individual owners across the site.

- 6) The conclusion to be drawn from the evidence at the 2014 appeal on viability is that a standalone residential redevelopment of the Baltic Wharf site, including the Powerhub listed building, would not be viable. Residential redevelopment of parts of the site in isolation, such as the North car park (area 7 on the plan at Appendix 1) and the area occupied by retail sheds (area 2 on the plan at Appendix 1) might be viable at some point in the future. These parts of the site each have their own, separate vehicular and pedestrian access. The North car park could provide for a mix of some 14 houses and apartments while the retail sheds site could provide for some 111 apartments, although these numbers of dwellings have not been confirmed by detailed development layouts.
- 7) Even if a standalone residential conversion of the Powerhub building were viable it is not, suitable or achievable. As the attached land ownership plan and schedule at Appendix 1 shows, the listed Powerhub building has a limited frontage to St Peter's Street where the vehicular and pedestrian access point is one vehicle wide, comes out directly onto a footway with virtually no visibility in either direction and has a headroom restricted to 4 metres. Furthermore, using the ground floor of the Powerhub building as an undercroft car park, which is the only area in that ownership available for that purpose, it is doubtful that the local highway authority's parking standard for a residential development could be met.
- 8) Aside from viability there is another important planning consideration to be addressed with any standalone residential redevelopment of the Powerhub building, namely harm to the listed building. The test of harm introduces planning uncertainty if redevelopment moves away from the already permitted foodstore development. The reasons for listing this 1917 factory building was that it was one of the few surviving examples of a daylight factory characterised by its large windows and designed by the pre-eminent industrial architects of the inter-war years, Wallace Gilbert and Partners. It is currently unknown whether the changes to the building necessary to achieve a residential conversion scheme would aggregate to more than substantial harm in NPPF terms.
- 9) Accordingly, parts of the Baltic Wharf site could be suitable for residential redevelopment. A comprehensive residential led redevelopment of the Baltic Wharf site, including conversion of the Powerhub listed building, would not be viable. Unless a redevelopment of the Baltic Wharf site, including the listed building, includes a foodstore it would not be viable.
- 10) For the reason that residential redevelopment can be neither ruled in or ruled out at Baltic Wharf during the lifetime of the Maidstone Local Plan 2016, BWLP seeks a more permissive approach in Policy H2(1) to housing development in Maidstone town centre. Redevelopment should not apply just to former office sites. The figure of 700 dwellings in paragraph 9.2 of the deposit plan (or whatever other figure is deemed appropriate) should not be capable of interpretation as a ceiling on town centre site residential development. Instead, the policy should recognise and encourage residential development in excess of this figure if non-office sites such as Baltic Wharf, where there are currently impediments to such redevelopment, can be brought forward. This would be consistent with the Government's and NPPF objective of maximising new housing development on previously developed (brownfield sites).
- 11) BWLP submit that there are other non-office sites where there is current uncertainty about future redevelopment to which a more permissive policy H2(1) might apply. One of these is the Maidstone East station/Royal Mail site. Unless MBC as one of the new prospective new owners of the Royal Mail site can provide absolute assurances prior to the close of the Local

Plan examination that there will be no change in the proposals for redeveloping the combined site as set out in policy RMX1(2), then policy H2(1) might also apply here during the plan period.

- 12) These additional representations will stand alongside those made or to be made by BWML with respect to policy DM3, including with respect to the potential relevance of enabling development to redevelopment of the Powerhub listed building, and policy SP4 Spatial Strategy and paragraph 5.30 of the Written Statement and the need for a site specific retail and mixed use policy for Baltic Wharf.