

AGENDA

CABINET MEETING



Date: Tuesday 22 October 2013
Time: 10.30 am
Venue: Council Chamber, County Hall,
Maidstone

Membership:

Councillors Garland (Chairman), Greer, Moss,
Paine, Mrs Ring and J.A. Wilson

Page No.

1. Apologies for Absence
2. Urgent Items
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Minutes of the Meeting held on 11 September 2013

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Continued Over/:

Issued on 14 October 2013

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

KEY DECISION REPORTS

- | | | |
|----|---|--------|
| 8. | Report of the Director of Regeneration and Communities -
Business Rate Pooling | 3 - 8 |
| 9. | Report of the Head of Planning and Development - Maidstone
Borough Local Plan Public Consultation Draft - Group 1
Development Management Policies | 9 - 44 |

MAIDSTONE BOROUGH COUNCIL

CABINET

MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2013

Present: Councillor Greer (in the Chair) and
Councillors Paine and Mrs Ring

67. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Garland, Moss and J.A. Wilson.

68. URGENT ITEMS

There were no urgent items.

69. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

70. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

71. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

72. EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

73. MINUTES OF THE MEETING HELD ON 14 AUGUST 2013

RESOLVED: That the Minutes of the Meeting held on 14 August 2013 be approved as a correct record and signed.

74. BUDGET STRATEGY 2014/15 ONWARDS - REVENUE

DECISION MADE:-

- a) That, for planning purposes, the "best estimate" strategic revenue projection as given at Appendix D to the report of Corporate Leadership Team be agreed.
- b) That an initial level of 1.9% Council Tax increase for planning purposes be agreed.

- c) That the proposed methods of consultation as set out in section 1.9 of the report of Corporate Leadership Team be agreed and delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to approve the focus and questions.

To view the full details of this decision, please click here:-

<http://meetings.maidstone.gov.uk/ieDecisionDetails.aspx?ID=737>

75. DURATION OF MEETING

6.30 p.m. to 6.38 p.m.

MAIDSTONE BOROUGH COUNCIL

CABINET

TUESDAY 22 OCTOBER 2013

REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES

Report prepared by Paul Riley

1. BUSINESS RATE POOLING

1.1 Issue for Decision

1.1.1 This report provides Cabinet with initial information on the operation of a Business Rates Pool and options to include Maidstone Borough Council in a Kent pool.

1.1.2 Due to the tight timescale for formal application the report also recommends delegation of the decisions relating to the final agreement to the Director of Regeneration & Communities as the Chief Finance Officer of the Council.

1.2 Reason for Urgency

1.2.1 A formal application to the Department for Communities and Local Government is required by 31st October 2013. The potential application is still subject to conclusions on membership and governance arrangements however this decision is required urgently to enable officers to meet that deadline should the final outcome indicate a benefit to the Council.

1.3 Recommendation of Director of Regeneration & Communities

1.3.1 That Cabinet agree in principle to the inclusion of this Council in the Kent application to the Department of Communities and Local Government for a Business Rates Pool for 2014/15, subject to membership providing a financial advantage to the area covered by the pool.

1.3.2 That Cabinet delegate a final decision, following assessment of the final membership and governance arrangements, to the Director of Regeneration & Communities in consultation with the Leader of the Council.

1.4 Reasons for Recommendation

- 1.4.1 One element of the Business Rates Retention (BRR) scheme that came into force on 1st April 2013 is the option for local authorities to develop a Business Rates Pool and effectively opt out of the national arrangements. By opting out of the national arrangements in this way, the local authorities in the pool will increase the gain made locally from growth in business rates.
- 1.4.2 The national BRR scheme has a damping mechanism in place to limit individual gains/losses. The system uses a Safety Net (to limit losses) which is funded through a Levy (on disproportionate gains). Similar arrangements will need to apply locally within a pool so, along with the gain from business rates growth, a pool risks loss from having to cover business rates reductions without the national safety net provisions.
- 1.4.3 In 2012/13 when the opportunity to develop a Pool was available for 2013/14 the authorities in Kent were involved in the development of a Kent wide agreement on a local council tax support scheme. The option to pool was felt to be an unknown risk at that time and the resources to evaluate and develop the optimum pool were not available. Now the Department for Communities and Local Government (DCLG) has requested local authorities that wish to create pools for 2014/15 onwards to make an application including details of membership and governance arrangements by 31st October 2013. This year the Kent Finance Officers group along with Kent Chief Executives and Kent Leaders have all been considering the possibility of developing a Pool.
- 1.4.4 In Kent all districts pay the maximum levy at 50% of the local share of all growth. The County Council, the Fire & Rescue Authority and Medway Council are all top up authorities receiving a large payment from the national scheme. Initial modelling of the outcome of a pool, based on future estimated growth and current data for each Kent district was completed on behalf of the Kent Finance Officers' Association by LG Futures. This modelling suggested that a Kent wide pool would return a net gain to the region providing the County Council, the Fire & Rescue Authority and Medway Council were involved.
- 1.4.5 In a small number of districts in Kent there is expected to be a need for safety net funding. The greater benefit to the region would occur if those authorities at risk of requiring support through the safety net mechanism were excluded from the pool and were supported by the national scheme.

1.4.6 Modelling has continued to identify the optimum pool of authorities. The modelling, based on local growth assumptions, suggests a net gain for the area covered by the pool in each of the next four years. This is summarised below:

Business Rates Retained:	2014/15 £m	2015/16 £m	2016/17 £m	2017/18 £m
Optimum authorities individually	251.5	258.9	267.5	278.2
Optimum authorities as a pool	253.9	261.7	270.5	282.4
Gain	2.3	2.7	3.1	4.2

1.4.7 Members should note that the significant gain is made by the County Council, the Fire & Rescue Authority and Medway Council. In some modelled scenarios the gain by Maidstone Borough Council is as little as £25,000. Sensitivity analysis has shown that the pool is stable. The current predictions suggest growth is on average 3% per annum over the next four years and the pool will not be at risk of overall loss unless the average annual growth fell to zero.

1.4.8 At this time six authorities are considering the potential of a pool. This group of six consists of the County Council, the Fire and Rescue Authority, Medway Council and the three district councils within the Mid Kent Improvement Partnership. Modelling a pool of these six authorities provides the following gain. Members should note that within this table there is no change to the gain made by this Council.

Business Rates Retained:	2014/15 £m	2015/16 £m	2016/17 £m	2017/18 £m
Six authorities individually	237.2	244.0	252.2	261.7
Six authorities as a pool	238.0	245.0	253.7	263.6
Gain	0.8	1.0	1.4	1.9

1.4.9 At this time governance arrangements are not finalised. Due to the urgency of the final decision and application it is necessary to seek provisional approval to membership of the pool. It is also necessary to recommend a delegation to the Director of Communities & Regeneration. The delegation will only be acted upon if membership of the pool is beneficial to the area covered by the pool, including this authority.

1.5 Alternative Action and why not Recommended

1.5.1 The Cabinet could chose, as have some districts in Kent, not to become a member of the pool this year. The success or failure of a pool is measured by actual results whereas the decision to enter a pool is made on the estimates provided by each member. Trust in the validity of the estimates provided by each member is implicit in the decision to pool. The risk exists that the total value of business rates

within the pool will not reach the value of accumulated business rates needs baselines and to avoid this risk the Council could chose not to enter the pool.

1.5.2 Assuming the estimates provided by each authority are accurate the current expectation is that the potential members of the pool will generate growth in 2014/15. Choosing not to enter the pool at this time could mean a loss of a further years levy on growth within the borough.

1.6 Impact on Corporate Objectives

1.6.1 The additional resources retained from business rates growth as a member of the pool will partially compensate for the loss of other financial resources expected in future settlements from central government. Alternatively it could, in part or in full, be used to enhance growth within the region of the pool or within the borough. The final use of the resources will be subject to the governance arrangements agreed for the pool but will support the Council's priorities in partnership with other authorities in Kent.

1.7 Risk Management

1.7.1 The key risk from inclusion in a pool is the possibility that the districts within the pool will not deliver the necessary levels of growth. This is especially important if one or more authorities suffer reductions in business rates that take them below the national scheme safety net as the pool would be required to support those authorities. Should the pool suffer to the point that funds are not available to fully support safety net payments the Council may find that, while achieving growth within the borough, the value of retained business rates for this Council may drop to support net losses within the pool. The pool membership can be adjusted annually and any risk would only exist for each year individually.

1.7.2 The possibility that one member of the pool might exit the pool mid-year does exist. In such circumstances the pool will be disbanded and all members will once more become separate entities within the national scheme losing the benefit derived from the pool. This risk can be mitigated by appropriate governance arrangements.

1.8 Other Implications

1.8.1

- 1. Financial
- 2. Staffing

X

3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.8.2 The currently expected benefit of the pool is given in the table at paragraph 1.3.7 for this Council the additional gain from growth, based upon 2013/14 current predictions would be at least £25,000. This is a low risk prediction and modelling of the pool suggests that the overall loss in business rates growth would need to be in the region of 3% of all business rates before the pool would achieve 0% overall growth.

1.8.3 The pools governance arrangements would form a memorandum of understanding that would set limits on risk, reward, entry and exit from the pool and the use of the surplus generated by the pool. The agreement has not been set at this time as it must be satisfactory for all members who wish to enter the pool. The report recommends that agreement to the final governance arrangements be delegated to the Director of Regeneration and Communities in consultation with the Leader of the Council.

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

The decision relates to the Budget

.....

Wards/Parishes affected: All

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MAIDSTONE BOROUGH COUNCIL

CABINET

TUESDAY 22 OCTOBER 2013

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Michael Murphy

1. MAIDSTONE BOROUGH LOCAL PLAN PUBLIC CONSULTATION DRAFT – GROUP 1 DEVELOPMENT MANAGEMENT POLICIES

1.1 Issue for Decision

1.1.1 To consider the draft development management policies for the Maidstone Borough Local Plan attached at Appendix A, which have been to Scrutiny committee on 20 August 2013. Officers are seeking Cabinet's approval on this suite of policies (Group 1), which provide part of the policy framework to assist with decisions on planning applications. These policies include some 'core' policies from the core strategy which were approved by Cabinet on 13 March 2013 and will be taken forward to the local plan for public consultation.

1.2 Recommendation of Head of Planning and Development

1.2.1 That Cabinet approves the first group of development management policies for the Maidstone Borough Local Plan (attached at Appendix A) for public consultation at the Preparation stage of the local plan process (Regulation 18).

1.3 Reasons for Recommendation

1.3.1 The draft core strategy 2011 set a broad policy framework for planning decisions, and the core policies within the document were the key development management policies within that framework. On 13 March 2013 Cabinet approved a revision to the council's Local Development Scheme. As a result, a single Maidstone Borough Local Plan is to be prepared for the period 2011 to 2031, and much of the work to date on the core strategy will be carried forward to the new plan. The local plan will retain the broad policy framework from 2011, together with the strategic site allocations that were subject to public consultation in 2012, but it will also include additional detailed policies for development management, together with the balance of site allocation policies.

1.3.2 The Maidstone Borough Local Plan will have a similar format to the former core strategy:

- An introduction setting out the purpose of the document and the local plan process, with an explanation of how the public can submit their comments on the draft policies and draft site allocations;
- An explanation of which documents the council must have regard to in preparing their local plans, such as the National Planning Policy Framework and local evidence;
- A spatial portrait of the borough, which highlights key local issues for the council;
- The spatial vision and objectives for the local plan, which are influenced by the council's higher tier policies and strategies;
- The spatial strategy for the borough, which will set targets for housing and economic development and define where new development will be focused;
- The inclusion of spatial policies for the town centre, urban area, rural service centres and other larger village settlements, and the countryside;
- Detailed development management policies (including the core policies);
- An explanation of how the strategy will be delivered, including the delivery of (and priorities for) supporting infrastructure; and
- Site allocation policies, which will set out the what, where, when and how allocated development sites will be delivered.

1.3.3 Through the iterations of the core strategy, Members have previously given consideration at various stages of plan production to the spatial strategy and spatial policies, core policies, development delivery and strategic site allocations. Core policies, development delivery policies and strategic site allocations to the north west and south east of the urban area and at Newnham Park, all of which had been subject to sustainability appraisal and amended through public consultation, were approved by Cabinet in March 2013 for the next round of public consultation. Some of these policies will require updating as a result of additional information received since they were last considered by Members, and redrafted in some instances to ensure consistency of format for a single local plan.

1.3.4 Public consultation (known as "preparation" or Regulation 18¹ consultation) is an informal stage of public engagement and is expected to commence in early 2014. Following consideration of the comments received during this consultation, the local plan will be appropriately amended, and Member approval will be sought to

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

undertake the more formal second round of public consultation next year (known as "publication" or Regulation 19²).

- 1.3.5 Policies in the Maidstone Borough Local Plan have been designed to avoid repetition, so the local plan should be read as a whole when determining planning applications. A table of policies is included at Appendix B
- 1.3.6 The Local Development Scheme, agreed at Cabinet in March 2013, indicated that Reg. 18 (Preparation) public consultation on land allocations and policies would take place in October/November 2013. Two key workstreams were highlighted as critical to ensuring a robust evidence base would support the local plan at public consultation, namely; the Strategic Housing and Economic Development Land Availability Assessments (SHLAA/SEDLAA) and Strategic Housing Market Assessment (SHMA)
- 1.3.7 The SHLAA and SEDLAA assess the supply of land for housing and employment development respectively in the borough and determine the most sustainable and deliverable sites to take forward for consideration as land allocations. This project is nearing completion but cannot be finalised until the SHMA, which informs the council of its housing needs, is at a similar stage. At present there is a further piece of work required to assist in sensitivity testing the SHMA objectively assessed housing need for Maidstone.
- 1.3.8 The decision to undertake economic futures analysis for the SHMA stems from draft guidance set out in the recent National Planning Practice Guidance (2013), and will assist the council in understanding the deliverability of its objectively assessed needs. Consultants have been commissioned to undertake this analysis and a draft consultants' report is expected in mid November. Once this analysis is complete the council will be in a position to finalise the local plan in draft form for public consultation.
- 1.3.9 With further work required to finalise housing need and supply, it is not possible at this time to accurately determine housing targets, the spatial distribution of development and land allocations. It therefore follows that key parts of the local plan evidence base, like the Integrated Transport Strategy (ITS) and the Infrastructure Delivery Plan (IDP) cannot be completed at this time. This has a knock-on effect on the policies that can be brought forward for consideration at October Cabinet. For example, certain development management policies are intrinsically linked to the wider spatial policies for the

² At Regulation 19 the council will be consulting on the penultimate draft of the local plan before submitting the document to the Secretary of State for examination. It is important to note that the council would need to take a step back and re-consult the public on any major changes to the local plan following Regulation 19 consultation.

borough (e.g. DM14 Park and Ride – linked to ITS and Spatial Strategy SS1) and it would be difficult for Cabinet to properly consider these policies in isolation.

1.3.10 It is therefore intended to bring policies to the forthcoming Scrutiny and Cabinet meetings in groups, with the first group (attached at Appendix A and listed below) consisting of policies that are not affected by the SHLAA or SHMA process, any of the overarching spatial policies for the borough, or the Integrated Transport Strategy. The policies included in the first group have been through Planning, Transport and Development Overview and Scrutiny committee on 20 August 2013. This group mainly comprises design policies for all development and management policies for the town centre. For your reference, Appendix B includes a table showing all the policies that will form the local plan.

1.3.11 This report focuses on Group 1 development management policies for consideration by Cabinet. This list of Group 1 policies is as follows:

Group 1	
Development Management Policies for Maidstone Borough	
DM1	Sustainable design and development (CS6)
DM2	Renewable and low carbon energy schemes
DM3	Principles of good design
DM4	Residential garden land
DM5	External Lighting
DM6	Signage and shop fronts
DM7	Residential extensions, conversions and redevelopment
DM8	Non-conforming uses
DM17	Town centre uses
DM18	District centres, local centres and local shops and facilities
DM19	Residential premises above shops and businesses
DM20	Mooring facilities and boat yards
Development Management Policies for the Town Centre	
DM25	Primary shopping frontages
DM26	Secondary shopping frontages
DM27	Leisure and community uses in the town centre

1.3.12 Of the 15 policies presented to Cabinet for approval in group 1, only one policy was approved at March Cabinet (DM1 – Sustainable Design and Development). This policy (previously policy CS6) has now been split into 2 separate policies. The new policy (DM2) addresses the emerging issue of ensuring that renewable and low carbon energy schemes are carefully considered and meet strict criteria protecting landscape, heritage, residential amenity, ecology and biodiversity.

- 1.3.13 A further new policy (DM8) addresses non-conforming uses in the borough, which typically don't fit satisfactorily in densely populated areas. This policy has been developed based on advice from officers and responds to a previous policy vacuum in determining planning applications that may impact negatively on residential amenity, landscape or ecology because of noise, noxious odours, or increased traffic, particularly in rural locations.
- 1.3.14 Although a number of minor points were made with respect to some of the policies being considered, the main thrust of Scrutiny comments focused on the need for further new policies to address live/work units and the expansion of existing businesses in the countryside, both of which will form part of a second group of policies that will go to Scrutiny committee (19 November) and Cabinet (27 November) for Member approval.
- 1.3.15 Minor amendments to certain Group 1 policies have also been made following further officer-level consultation. The following points summarise the amendments made:
- Policy DM1 (Sustainable Design Standards) - includes an amendment to criterion 4 which strengthens the policy to ensure that a minimum water efficiency standard equivalent to Code for Sustainable Homes Level 4 is reached that is not negotiable
 - Policy DM2 (Renewable and Low Carbon Energy Schemes) – new policy addressing development such as wind turbines and solar farms
 - Policy DM3 (Principles of Good Design) – includes an amendment to the supporting text which highlights the importance of protecting on site biodiversity and geodiversity through good design and appropriate densities. The policy is also strengthened with the inclusion of a new criterion which aims to maximise the opportunity for sustainable elements to be incorporated into new development where appropriate, through the siting of development
 - Policy DM5 (External Lighting) – this policy is strengthened by the addition of a criterion which ensures that the relevant lighting standards as set out in the Code for Sustainable Homes and BREEAM are met
- 1.3.16 Policies DM25 and DM26 relate to the primary and secondary shopping frontages in the town centre. For clarity plans which illustrate the location of these frontages are included in Appendix C. These frontages will be identified on the consultation layer of the policies map when the local plan is published for Regulation 18 consultation.

1.3.17 Once the three groups of development management policies have been presented to Cabinet over the coming months the local will be presented to Cabinet, via Scrutiny, as a whole.

1.4 Alternative Action and why not Recommended

1.4.1 The new development management policies (attached at Appendix A as group 1) are considered ready for approval to form part of the consultation draft of the Maidstone Borough Local Plan. Approval of the policies at this point gives them more weight and shows confidence in taking them forward in the local plan at public consultation when other workstreams are complete. Members will have the opportunity to consider the local plan as a whole prior to Reg. 18 public consultation.

1.5 Impact on Corporate Objectives

1.5.1 The Maidstone Borough Local Plan will assist in delivering the spatial objectives of the Community Strategy and the Strategic Plan over the plan period. It will also have regard to objectives set out in other Council documents, such as the Economic Development Strategy and the Housing Strategy. The local plan will support the council's priorities for Maidstone to have a growing economy and to be a decent place to live, and the consultation processes will strive to meet corporate and customer excellence.

1.6 Risk Management

1.6.1 The council still has a local planning policy framework that comprises adopted development plan documents and supplementary planning documents, endorsed guidance, and saved policies from the Maidstone Borough Wide Local Plan 2000. These policies are still relevant and carry weight in the decision making processes provided there is no conflict with the National Planning Policy Framework (NPPF).

1.6.2 However, the council has a duty to maintain an up-to-date policy framework, and current policies are increasingly becoming outdated or are in conflict with the NPPF. The policies that are the subject of this report, together with other policies of the Maidstone Borough Local Plan, will provide a robust framework for the development management process and will reduce the risk of inappropriate development.

1.7 Other Implications

1.7.1

1. Financial



2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	X
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Legal: Legal services offer advice on document content and processes to ensure the Maidstone Borough Local Plan is found sound at examination. A number of meetings have been held with Counsel and regular meetings have been set up with the Head of Legal Services. These services can be managed within the existing budget for local plan production.

1.7.3 Environmental/Sustainable Development: A sustainability appraisal, incorporating a strategic environmental assessment is required for all local plan policies³, including site allocations. Consultants have been appointed to undertake this technical exercise, and costs can be managed within the existing budget for local plan production. The sustainability appraisal is an iterative process, and the policies that are the subject of this report have undergone initial appraisal and have been amendment as a result.

1.8 Relevant Documents

None.

1.8.1 Appendices

Appendix A: Draft Maidstone Borough Local Plan Development Management Policies 2013 – Group 1.

Appendix B: Local Plan Policies List

³ **SEA Directive:** European Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’. Transposed into UK law via The Environmental Assessment of Plans and Programmes Regulations 2004.

Appendix C: Plans of the primary and secondary shopping frontages
(Policies DM25 & DM26)

1.8.2 Background Documents

None.

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
This is a Key Decision because it affects all wards and parishes.			
Wards/Parishes affected: All.			

Policy DM1 - Sustainable design standards

12.1 Recognition of climate change and its contributing factors will be central to the future of development across the borough. New developments will need to incorporate mitigating measures, while still achieving the high quality designs that make the borough a desirable place to live and work.

12.2 The Climate Change Act 2008 sets two legally binding targets, a 34% reduction in greenhouse gas emissions by 2020, leading to an 80% emissions cut by 2050, both of which are set against a 1990 baseline. Maidstone Borough Council adopted the Kent Environment Strategy in 2011, which itself seeks a 60% cut in greenhouse gas emissions (measured as CO₂ equivalent) against 1990 levels by 2030.

12.3 It is more energy and cost efficient to design and develop buildings to an appropriate standard, than it is to develop them at a lower standard and retrofit them later in their life. The Code for Sustainable Homes (residential) and the Building Research Establishment Environmental Assessment Method (BREEAM) (non-residential) are the most appropriate/recognisable assessment methods by which to judge and require increased sustainability standards in new developments.

12.4 The Code for Sustainable Homes itself sets out national water efficiency standards with the aim of reducing potable water consumption in residential developments. Applications for residential developments will need to have regard to these standards and the Maidstone water cycle study.

Policy DM 1

Sustainable design standards

Development proposals in the borough will:

1. If residential; achieve a minimum of Code for Sustainable Homes (or any future national equivalent) level 4. The council will encourage the achievement of higher Code for Sustainable Homes levels where it is a feasible.
2. If non-residential developments of 1000m² (gross) and above; achieve BREEAM (or any future national equivalent) Very Good. The council will encourage the achievement of higher BREEAM levels where it is a feasible element of the proposal.
3. If residential developments of 10 units and above, or non-residential of 1000m² (gross) and above; provide 10% of their energy from decentralised, energy from waste, renewable and/or low-carbon energy sources. Where applicable this requirement will count towards (1) and (2) above.
4. Relating to the criteria above, and with the exception of meeting a minimum water efficiency standard equivalent to Code for Sustainable Homes level 4, development will be permitted to achieve a reduced standard, to be negotiated with the council, only if it can be demonstrated on the grounds of viability or feasibility that the above standards are unattainable, including the option of equivalent carbon emissions reduction near or off site.

Policy DM2 - Renewable and low carbon energy schemes

12.5 In Maidstone Borough, parts of the natural landscape features and resources mean that there is a technical suitability for the construction of renewable and low carbon energy schemes, such as solar farms, wind farms and biomass. In the longer term, opportunities for such developments may also present themselves in urban areas.

12.6 These schemes help to reduce regional and national carbon emissions and the council considers that, in the correct locations, such proposals are a benefit to the borough as a whole. Nevertheless, they need to be appropriately sited and not conflict with landscape character or existing uses. The council is keen that while it contributes to bringing about a low carbon future, the process of doing so should not affect the existing amenity of residents and businesses in a harmful way. Living environments should remain appropriate as such and the operation of businesses should not be impeded.

12.7 Where applications are submitted for larger scale renewable or low carbon energy schemes including, but not limited to, solar farms, wind farms and biomass, proposals will be judged on individual merits.

12.8 Further guidance is available in the document Planning practice guidance for renewable and low carbon energy⁽¹⁾.

Policy DM 2

Renewable and low carbon energy schemes

Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals.

1. The cumulative impact of such proposals in the local area.
2. The landscape and visual impact of development, with particular regard to any impact on, or the setting of, the Kent Downs AONB.
3. The impact on heritage assets and their setting.
4. The impact of proposals on the amenities of local residents, e.g. noise generated and in the case of wind turbines, shadow flicker.
5. The impact on the local transport network.
6. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.
7. In the case of wind turbines, [in addition to 1 to 6 above] the impact on:
 - i. air traffic and safety.
 - ii. defence installations and operations.
 - iii. other radar installations.
 - iv. electromagnetic transmissions.
8. Preference will be given to sites comprising previously developed land or agricultural land that is not classified as the best and most versatile.

Policy DM3 - Principles of good design

12.9 Good design is the fundamental principle underpinning good planning. It has a very important impact upon the quality of the environment and the way in which places function. The National Planning Policy Framework places great

1 Department for Communities and Local Government, 2013.

emphasis upon raising the quality of the built, natural and historic environment and the quality of life in all areas. It attaches great importance to the securing of high quality design and seeks to ensure that all development contributes to making places better for all.

12.10 The council aspires to achieve high quality design throughout the borough, and policy DM3 seeks to manifest this aim and will be used to assess all development requiring planning permission. In order to achieve high quality design, the council expects that proposals will respect and, where appropriate, enhance the character of their surroundings. It is important that development contributes to its context.

12.11 Key aspects of built development will be the scale, height, materials, detailing, mass, bulk and site coverage. These features should relate well, and respond positively, to the context in which they are seen. Good design should also address the functioning of an area, including accessibility to all, linkages to local services, and issues of crime. New development should integrate well into the built, natural and historic environment and should address the connections between people and places, including vehicle and pedestrian movement.

12.12 In assessing the use, layout and density of development, landscape design shall be integral to the overall design of a scheme and needs to be considered at the beginning of the design process. In appropriate locations, local distinctiveness should be reinforced and natural features worthy of retention be sensitively incorporated. It is also important that all new development protects and enhances any on site biodiversity and geodiversity features, or provides sufficient mitigation measures, and in areas at risk of flooding, inappropriate development should be avoided.

12.13 In assessing the appropriateness of design, the council will have regard to adopted Conservation Area Appraisals and Management Plans, Character Area Assessments and the Kent Design Guide, which provide specific information about local character and distinctiveness and give guidance on design principles. Regard will also be given to the Kent Downs Area of Outstanding Natural Beauty Management Plan.

12.14 Proposals which fail to take opportunities to secure high quality design will be resisted.

Policy DM 3

Principles of good design

Proposals which would create high quality design and meet the following criteria will be permitted:

- i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;
- ii. Respond positively and where possible, enhance the local, natural or historic character of the area, paying particular regard to scale, height, materials, detailing, mass, bulk, articulation and site coverage;
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;
- v. Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site;
- vi. Provide a quality of design commensurate with the degree of environmental value;
- vii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;
- viii. Protect and enhance any on site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;
- ix. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;
- x. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;
- xi. Avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas;
- xii. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;
- xiii. Provide adequate vehicular and cycle parking to meet adopted council standards; and
- xiv. Be flexible towards future adaptation in response to changing life needs.

Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.

Policy DM4 - Residential garden land

12.15 Within the borough, there is significant pressure for the development of residential garden land. Such development, typically involving the subdivision of existing residential curtilages, can often appear cramped and damage the existing pattern of development. The council wishes to resist development where it cannot be absorbed within the existing character, pattern and layout of the built environment without detriment to visual amenity. All new development should respect the amenities of neighbouring occupiers and their quality of life. It should be designed to avoid an unacceptable loss of privacy, light or outlook and also excessive levels of noise from activities, processes and traffic movements.

Policy DM 4

Residential garden land

Development of domestic garden land to create new buildings which meet the following criteria will be permitted provided:

- i. The higher density resulting from the development would not result in harm to the character and appearance of the area;
- ii. There is no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages;
- iii. Access of an appropriate standard can be provided to a suitable highway; and
- iv. There would be no significant increase in noise or disturbance from traffic gaining access to the development.

Policy DM5 - External lighting

12.16 Lighting can be an important factor of good design. Appropriate types and levels of lighting can contribute positively towards a sense of place, whilst poorly designed lighting schemes can damage local amenity and biodiversity interests. The National Planning Policy Framework seeks to limit light pollution in locations which are particularly sensitive to light, such as intrinsically dark landscapes.

12.17 The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities. However, inappropriate and excessive external lighting can not only be both visually obtrusive and inefficient in energy terms, but can also damage rural character in areas containing little built development, and can have highway safety implications for drivers. Protected species, such as bats, tend to avoid well-lit areas and lighting schemes should ensure that ecological issues are fully considered in their design.

12.18 The council will seek to secure well-designed lighting schemes, which are suitable for their environments. External lighting should play its role in achieving sustainable development by meeting relevant codes. Where appropriate

the recommendations within the Institute of Lighting Engineers Technical Report Number 5 will be considered as a guide to maximum levels of luminance. Low level bollard lighting will be supported where appropriate. The council will also encourage the use of PIR motion sensor lighting for business development and public buildings, in order to provide energy efficiency savings.

Policy DM 5

External lighting

Proposals for external lighting which meet the following criteria will be permitted:

- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
- ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways;
- iii. The relevant standards as set out in the Code for Sustainable Homes and BREEAM are met; and
- iv. The lighting scheme would not be visually detrimental to its immediate or wider setting.

Policy DM6 - Signage and shop fronts

12.19 Signage and shop fronts have a significant impact upon the attractiveness and vitality of shopping and other commercial areas. The National Planning Policy Framework requires that new development integrates well into the built environment. Advertisements which are poorly placed can result in visual clutter which both detracts from the quality of the built environment and leads to a more confused and less coherent visual presentation. Unsympathetic shop windows and signs can also damage the character of their locality, especially in conservation areas.

12.20 The council wishes to support commercial and retail frontage and signage schemes which are in sympathy with, and contribute positively towards, the visual amenity of their locality. The scale, design and detailing of such schemes should respect and visually complement their surroundings, being appropriately designed for their context.

12.21 Solid external shutters which completely cover a shop or other commercial front are visually unattractive and generally detract from the vitality of commercial areas. In order to preserve the quality of the built environment, the council will seek alternative security solutions such as internal lattice grilles, security systems or use of laminated glass. In some cases, external roller shutters having an open grille design which let light on to the street may be acceptable, subject to the housing being unobtrusive and unlikely to harm the character of the building or street scene. Solid external roller shutters will only be approved

where an an overriding security need can be demonstrated. Such evidence is likely to include details of break-ins and information from Kent police confirming that roller shutters are necessary and the only viable security solution.

Policy DM 6

Signage and shop fronts

Proposals for new signage and for shop (A1) or other commercial (A2-A5) fronts which meet the following criteria will be permitted:

- i. The size, design, positioning, materials, colour and method of illumination of signage would not be detrimental to the character and appearance of the building or the surrounding area;
- ii. The proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest;
- iii. The proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part and the character of the neighbouring properties; and
- iv. Where a fascia is to be applied, it would be of an appropriate height which would be in scale with the overall height of the shop front and other elements of the building.

Policy DM7 - Residential extensions, conversions and redevelopment

12.22 The conversion of larger residential properties to self-contained flats and houses in multiple occupation (HMOs) aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, advocated by the National Planning Policy Framework. HMOs differ from self contained flats as bedrooms/bed sitting rooms are private but other facilities, such as bathrooms and kitchens, are shared. The National Planning Policy Framework also places emphasis upon the quality of new residential development and requires a good standard of amenity to be provided for all existing and future occupants of land and buildings.

12.23 The council wishes to ensure that new residential units are attractive, high quality places to live, which respond positively to the local area. Good quality development should be of a scale and layout which provides attractive and comfortable places to live. The intensified use of dwellings to create smaller households can cause problems for nearby residents, for example noise and disturbance from increased traffic movements and requirements for parking. Policy DM7 seeks to control the potential problems arising from such proposals.

12.24 Residential extensions generally benefit the community by increasing the amount and quality of accommodation in the borough. However, careful design is necessary, in order to prevent a reduction in the quality of living conditions for adjoining residents and the built environment in general. The adopted Residential Extensions Supplementary Planning Document (May 2009) will be used to guide the assessment of proposals for residential extensions.

Policy DM 7

Residential extensions, conversions and redevelopment

1. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted:
 - i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

2. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the conversion or redevelopment of a dwelling to self-contained flats or the use of a building as a house in multiple occupation which also meet the following criterion will be permitted:
 - i. The intensified use of the building and its curtilage would not significantly harm the appearance of the building or the character and amenity of the surrounding area.

Policy DM8 - Non-conforming uses

12.25 Some uses may be detrimental to the quality of the environment and a nuisance to neighbouring land uses. The Borough Council therefore seeks to ensure that new development is appropriately sited and mitigated so that it does not cause a nuisance through noise or other disturbance to users in the local area.

12.26 It is recognised that certain uses may be more appropriate at rural sites, because there may be a lower number of sensitive users nearby, or due to land requirements, such as catteries and kennels, waste or recycling uses (which are normally a matter for determination by the County Council), as well as recreation uses including shooting and motor sports.

12.27 Policies DM3 and DM28 ensure that development respects the amenities of occupiers of neighbouring properties and uses and should be read in conjunction with this policy.

Policy DM 8

Non-conforming uses

Proposals for development which could create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area, will only be permitted if they meet such other exceptions as indicated by policies elsewhere in this plan.

Policy DM17 - Town centre uses

12.99 The National Planning Policy Framework defines the main town centre uses as retail, leisure and entertainment, offices, arts, culture and tourism and the town centre is the first choice location for these uses. Applicants will be expected to have demonstrably followed a sequential approach when selecting development sites for town centre uses, including fully exploring how the scheme could be adapted so that it could be accommodated on a more central site (i.e.'disaggregation'). The sequential approach, whereby in centre and then edge of centre sites are selected above well connected out of centre sites, is underpinned by the principle that sites closest to existing centres are likely to be better served by public transport and be more accessible by walking and cycling. Development on such sites also increases the prospect of linked trips, whereby one journey into the centre can serve a number of purposes.

12.100 The National Planning Policy Framework provides the definitions of 'edge of centre' and 'out of centre' sites. For retail uses the site's relationship to the primary shopping area is the key factor in determining whether a site is in, edge or out of centre. This is defined on the policies map. For other town centre uses the key factor is the site's relationship to the town centre boundary, which is also shown on the policies map. Applicants should follow the approach to sequential sites' assessment set out in the Communities and Local Government (CLG) document 'Practice Guidance on Need, Impact and the Sequential Approach December 2009', together with the tests set out in the National Planning Policy Framework (paragraph 24). The local plan also identifies a number of district and local centres across the borough, which serve more localised shopping and service needs, and these should also be regarded as centres for the purposes of a sequential search for retail sites.

12.101 In assessing the impact of proposals, applicants should also follow the approach in the CLG practice guidance and the National Planning Policy Framework (paragraph 26). Additionally, applicants will be expected to give specific analysis to the impact of their proposals on the retailers in the primary shopping frontages because maintaining the health of this core retail area is considered to be particularly important in sustaining the future vitality and viability of the town centre.

12.102 The Local Plan identifies the Maidstone East/Royal Mail Sorting Office, which is an important regeneration site, as its priority site for new retail development at the edge of the town centre. Out of centre retail proposals which would undermine the delivery of this key allocated site will not be supported.

Policy DM 17

Town centre uses

1. Proposals for main town centre uses should be located in an existing centre unless:
 - i. By means of a sequential approach, it is demonstrated that the proposal could not be accommodated first on a site within an existing centre and the proposal is located at the edge of an existing centre, or second it is demonstrated that the proposal could not be accommodated on a site within or at the edge of an existing centre and the proposal is located on an accessible out of centre site; and
 - ii. By means of an impact assessment it is demonstrated that a retail, office or leisure proposal would not result in a significant adverse impact on the vitality and viability of an existing centre or undermine the delivery of a site allocated for the use proposed.
2. Proposals located at the edge of an existing centre or out of centre should ensure the provision of specific measures which will improve the quality and function of sustainable connections to the centre, in particular walking and cycling routes and public transport links and specific measures which will mitigate the impact of the proposal on the identified centre or centres. The nature, extent and permanence of the measures will be directly related to the scale of the proposal.

Policy DM18 - District centres, local centres and local shops and facilities

12.103 Local convenience shops and other such facilities can play an important role in sustainable development, by meeting the day-to-day needs of local communities. The National Planning Policy Framework seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet such needs.

12.104 Whilst the council recognises the importance of securing viable uses for premises, this must also be balanced against the needs of the community. Changes in the economy sometimes lead to public houses becoming vacant and alternative uses being sought. However, for some communities, especially in rural areas, these facilities provide both important services and leisure opportunities.

12.105 Where the loss of a local convenience shop or facility is proposed, the council will expect such an application to be supported by a viability report, prepared by a qualified professional within the relevant industry, together with financial accounts and marketing information illustrating that the use is no longer viable. Accounts should, where possible, cover a three year period. The council will also give consideration to the availability of comparable alternative facilities. In assessing this, the feasibility of such alternatives being used will be considered, including not only the distance from the potential users, but also the attractiveness and likelihood of the route being used. The impact of the loss of a local facility may be greater in village locations, where alternatives are less accessible. Well located local facilities can be positive assets, which are available to all, including those without cars and mobility problems.

12.106 Within the borough, the council has identified district and local centres which fulfil the function of providing essential local facilities as a group. District centres serve a wider catchment than a local centre and will typically cater for weekly resident needs. A district centre will usually comprise groups of shops, often containing at least one supermarket or superstore, and a range of non retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library. Local centres include a range of small shops serving a small catchment. Typically, amongst other shops, a local centre might include a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre. Additionally, there are small parades of shops throughout the borough of purely neighbourhood significance.

12.107 The council wishes to maintain the existing retail function together with supporting community uses in these locations, in the interests of securing sustainable, well-functioning communities. Within the defined district and local centres, new non A or D use classes⁽⁷⁾ will be resisted at ground level in order to maintain the retail role of the centres. The provision of additional retail and/or community facilities, plus a new local centre to complement the new residential development scheme at Langley Park, will be supported for similar sustainability reasons.

7 A use classes comprise A1 shops, A2 financial and professional services, A3 food and drink, A4 pubs and bars, and A5 hot food takeaways; D use classes comprise non residential community uses and small scale leisure uses.

Policy DM 18

District centres, local centres and local shops and facilities

1. The council will seek to maintain and enhance the existing retail function and supporting community uses in the following district centres, as defined on the policies map:
 - i. Mid Kent Centre, Castle Road, Allington;
 - ii. Grovewood Drive, Grove Green;
 - iii. Heath Road, Coxheath;
 - iv. The Square, Lenham;
 - v. High Street, Headcorn;
 - vi. High Street, Marden; and
 - vii. High Street, Staplehurst.

2. The council will seek to maintain and enhance the existing retail function and supporting community uses in the following local centres, as defined on the policies map:
 - i. Ashford Road, Bearsted;
 - ii. The Green/The Street, Bearsted;
 - iii. Marlborough Parade, Beverley Road, Barming;
 - iv. Cherry Tree, Tonbridge Road;
 - v. Boughton Parade, Loose;
 - vi. Egremont Road, Madginford;
 - vii. Parkwood Parade;
 - viii. Sandling Lane, Penenden Heath;
 - ix. Senacre Square, Woolley Road;
 - x. Northumberland Court, Shepway;
 - xi. Snowdon Parade, Vinters Park;
 - xii. Mangravet, Sutton Road/Mangravet Avenue;
 - xiii. High Street/Benover Road, Yalding; and
 - xiv. Hermitage Walk, Hermitage Lane.

3. A new local centre will be provided as part of a new residential development scheme at Langley Park.

4. In considering planning proposals which would involve or require the loss of existing post offices, pharmacies, banks, public houses or class A1 shops selling mainly convenience goods outside local and district centres, consideration will be given to the following:
 - i. Firm evidence that the existing uses are not now viable and are unlikely to become commercially viable;
 - ii. The availability of comparable alternative facilities in the village or the local area; and

- iii. The distance to such facilities, the feasibility of alternative routes being used, and the availability of travel modes other than by private motor vehicle.

Policy DM19 - Residential premises above shops and businesses

12.108 'Living over the shop' can have a positive impact upon the vitality of town centres and other commercial areas. Once shoppers and workers depart, residential units to upper floors can provide a sense of life and occupation, which can add to a perception of security and vitality. 'Living over the shop' also helps to create a sense of place and mix of uses advocated by the National Planning Policy Framework.

12.109 The council wishes to support such proposals in all suitable locations, where good standards of living can be provided for future occupiers. New proposals will be required to meet the design criteria set out in policy DM3. The loss of residential accommodation above retail and business premises will be resisted unless the circumstances of the site render it unsuitable for continued occupation.

Policy DM 19

Residential premises above shops and businesses

1. Change of use from residential accommodation in premises where the ground floor is (or last was) in class A retail or class B1 business uses within town, district or local centres will be permitted, provided it can be shown that the accommodation is no longer suitable or is potentially unsuitable for residential occupation because of location or design.
2. The council will permit 'living over the shop' projects in all suitable premises in the town centre, district and local centres, and village shops.

Policy DM20 - Mooring facilities and boat yards

12.110 Mooring facilities and boatyards can provide tourism and recreation facilities which can contribute positively towards the economy. The National Planning Policy Framework lends strong support to the building of a robust economy, including within rural areas. The River Medway, which runs through both the urban and rural parts of Maidstone Borough, is an important asset, which provides opportunities to enhance tourism and recreation facilities through additional and enhanced mooring facilities. The council wishes to safeguard existing boat yards, in order to protect water-based recreation facilities. The River Medway contributes positively towards a varied range of recreational facilities and this enhances the attractiveness and diversification of the borough for local communities and visitors.

12.111 However, in order to safeguard the rural character of the countryside and the quality of the built environment, it is important that such proposals are limited in scale and that their cumulative impact is not harmful to amenity. Much of the River Medway is seen in the context of highly sensitive townscape and landscapes, such as the Maidstone All Saints' Church Conservation Area, the valley formation of high landscape quality through Teston, East and West Farleigh and the Green Belt at Nettlestead.

12.112 The council will also have regard to the advice of the Environment Agency in assessing flooding issues.

Policy DM 20

Mooring facilities and boat yards

1. Small scale and short term mooring facilities will be permitted at the following locations as indicated, subject to the views of the Environment Agency:
 - i. Allington - overnight moorings;
 - ii. Maidstone town centre - overnight or short-stay moorings subject to an increase in the width of the navigable channel without loss of ecological value;
 - iii. Wateringbury - replacement of permanent moorings with short-stay moorings;
 - iv. East Farleigh - replacement of permanent moorings with short-stay moorings;
 - v. Yalding - short-stay moorings;
 - vi. Stoneham - overnight or short-stay moorings;
And provided that all of the following criteria are met:
 - vii. There is no loss of flood plain or land raising;
 - viii. The impact, including cumulative impact, shall preserve landscape quality, ecology and uses of the river and valley in the locality;
 - ix. Proposals create no operational problems for other river users, including fishermen;
 - x. Facilities are provided for disposal of boat toilet contents;
 - xi. The site is capable of being adequately screened and it being possible to provide appropriate landscaping with indigenous species; and
 - xii. The presence of any similar uses in the locality and the combined effect of any such concentration would be acceptable in terms of environmental impact and highway safety.
2. The council will not permit the redevelopment to other uses of boat yards that are in use, or have the potential to be used, in connection with water-based recreation.

Policy DM25 - Primary shopping frontages

13.1 The primary shopping frontages are the identified parts of Maidstone town centre where retail uses are concentrated. These primary frontages are shown on the policies map and include the key shopping locations of Fremlin Walk and The Mall together with the connecting stretch of Week Street. In these frontages the proportion of ground floor floorspace ⁽¹⁰⁾ dedicated to retail uses (use class A1) is some 85% or above (at May 2013). This part of the town centre is principally occupied by national retailing chains and is where the town centre's supply of larger shop units (above 500m²) is predominantly found. The attraction of the town centre for shoppers is particularly influenced by the presence of national retailers, and retaining the overall and predominant retail character of this area and a critical mass of such operators is important in sustaining ongoing vitality.

13.2 The large unit occupied by House of Fraser is the key anchor store in Fremlin Walk. It is the largest unit in the town centre (east of the river) and that best suited for a major, modern department store. Retaining such a department store in the town centre will be important in sustaining the centre's continuing attraction as a shopping destination. Recognising this more strategic significance, the House of Fraser unit has been identified as a primary frontage in its own right to control the loss, or partial loss, of this unit to non A1 uses.

13.3 A further important factor in maintaining vitality of the town centre is the presence of associated cafés and restaurants which encourage people to stay in the town centre for longer, as well as banks, buildings societies and other retail services such as hairdressers and travel agents for both day-to-day and more specialist needs. Allowing shops and cafes to extend their opening hours is a way of attracting people into the town centre later into the evening. As well as retaining the predominant retail character of the central part of the town, existing retail floorspace also contributes to meeting predicted needs for the town centre.

13.4 The objective of policy DM25 is to ensure retail (A1) remains the predominant use in this area. In addition it allows for limited retail-based supporting uses in a manner so as not diminish the overall prime retail purpose of this part of the town centre.

13.5 Recent amendments to the General Permitted Development Order (2013) do enable A1 premises to be temporarily changed to A2 (professional and financial services), A3 (cafés and restaurants) or B1 (offices) without the need for planning permission. This change of use can be enacted for a finite period of 2 years after which the premises must revert to their previous lawful use. A permanent change of use for beyond the 2 year period would require the submission of a planning application, and the considerations of policy DM25 would apply.

10 the exception is The Mall where frontage figures for the lower ground floor, ground floor and upper floor have been estimated separately

Policy DM 25

Primary shopping frontages

The primary shopping frontages in Maidstone town centre are shown on the policies map. To ensure that retail (A1) remains the predominant use within the primary shopping frontages, development will be permitted where:

- i. The proposal is for retail (A1) use; or
- ii. The proposal is for a professional and financial services use (A2), a café and restaurant use (A3) or a drinking establishment (A4) and would not result in the percentage of ground floor retail (A1) floorspace in the frontage block in which the development would be located falling below 85%.

Policy DM26 - Secondary shopping frontages

13.6 In the secondary frontage areas, also shown on the policies map, the retail units are generally smaller (under 500m²) and occupied by a mix of both national and local independent retailers. The latter have an important role in adding to the diversity and distinctiveness of the shopping 'offer' in Maidstone town centre. The approach of policy DM26 is to enable a broader range of uses to include professional services (A2), cafés and restaurants (A3) and pubs and wine bars (A4) which contribute to the wider appeal of the town centre. Earl Street in particular has become popular for food and drink outlets making it a destination in its own right.

13.7 A feature of vibrant and attractive town centre streets is the prevalence of entrances and open, glazed frontages to premises at ground floor level. An open frontage to the street, with views in to and out of the premises, is an invaluable way of enlivening the street scene. This is a characteristic of retail type uses, and community and leisure proposals in the secondary shopping areas should also be specifically designed to incorporate such active frontages.

Policy DM 26

Secondary shopping frontages

The secondary shopping frontages in Maidstone town centre are shown on the policies map. Development within the secondary frontages will be permitted where:

- i. The proposal is for a retail use (A1), a professional and financial services use (A2), or a café and restaurant (A3); or
- ii. The proposal is for a drinking establishment (A4) or hot food takeaway (A5) provided the development, either alone or cumulatively with other A4 and A5 uses in the frontage, does not have an adverse impact on local amenity, including as a result of fumes, noise, hours of operation or the visual impact of ducting ; or
- iii. The proposal is for a leisure or community use which accords with Policy DM27.

In all cases, proposals should establish or retain an 'active frontage' to the street.

Policy DM27 - Leisure and community uses in the town centre

13.8 Allowing for a variety of leisure uses (Class D2) as well as more community uses (class D1) such as health centres, crèches and community centres within the town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. Allowing these types of uses, including within the secondary shopping area, could similarly increase the prospects of vacant premises being brought into use. It is the case, however, that both these use class are quite broad and cover a wide variety of uses, so the impact of individual uses within the classes may be very different. The degree and nature of those impacts on local amenity need to be assessed as part of the overall assessment of proposals.

13.9 Changes of use can sometimes create concentrations of single uses, where the cumulative effects can also cause local problems. Proposals should be assessed not only on their positive contribution to diversification, but also on their cumulative effects on local amenity.

13.10 Community and leisure proposals in the secondary shopping areas should also be specifically designed to incorporate active frontages which are characteristic of shopping streets and can help to add to their overall vibrancy.

Policy DM 27

Leisure and community uses in the town centre

Proposals for leisure uses (Class D2) and community uses (Class D1) in the town centre which meet the following criteria will be permitted:

- i. The development, including in combination with any similar uses in the locality, will not have an adverse impact on local amenity, including as a result of noise and hours of operation;
- ii. The proposal establishes or retains an 'active frontage' to the street; and
- iii. The proposal is not located at ground floor level in the primary shopping frontage.

Appendix B – Local Plan Policies List

NPPF Model Policy	
NPPF1	Presumption in Favour of Sustainable Development
Spatial Vision/Objectives & Spatial Policies	
SS1	Maidstone Borough Spatial Strategy
SP1	Maidstone Town Centre
SP2	Maidstone Urban Area
SP3	Rural Service Centres
SP4	Rural Settlements
SP5	Countryside
Land Allocations	
H1	Housing Allocations
H2	Housing Densities
RMX1	Retail and Mixed Use Allocations
EMP1	Employment Allocations
GT1	Gypsy and Traveller Allocations
PKR1	Park and Ride Allocation
Development Management Policies for Maidstone Borough	
DM1	Sustainable design and development (CS6)
DM2	Renewable and low carbon energy schemes
DM3	Principles of good design
DM4	Residential garden land
DM5	External Lighting
DM6	Signage and shop fronts
DM7	Residential extensions, conversions and redevelopment
DM8	Non-conforming uses
DM9	Historic and Natural Environment
DM10	Open Space and Recreation

DM11	Community Facilities
DM12	Sustainable Transport
DM13	Public Transport
DM14	Park and Ride
DM15	Economic Development
DM16	Retention of Employment Sites
DM17	Town centre uses
DM18	District centres, local centres and local shops and facilities
DM19	Residential premises above shops and businesses
DM20	Mooring facilities and boat yards
DM21	Housing Mix
DM22	Affordable Housing
DM23	Local Needs Housing
DM24	Gypsy, Traveller and Travelling Showpeople Accommodation
Development Management Policies for the Town Centre	
DM25	Primary shopping frontages
DM26	Secondary shopping frontages
DM27	Leisure and community uses in the town centre
Development Management Policies for the Countryside	
DM28	Design Principles in the Countryside
DM29	New Agricultural Buildings and Structures
DM30	Conversion of Rural Buildings
DM31	Rebuilding and Extending Dwellings in the Countryside
DM32	Change of Use of Agricultural Land to Domestic Garden Land
DM33	Accommodation for Agricultural and Forestry Workers
DM34	Live/Work Units
DM35	Expansion of Existing Businesses in Rural Areas
DM36	Holiday Caravan and Camp Sites

DM37	Caravan Storage in the Countryside
DM38	Retail Units in the Countryside
DM39	Equestrian Development
Delivery Framework	
ID1	Infrastructure Delivery
ID2	Electronic Communications

Primary and Secondary Shopping Frontages



Primary Frontage No.	Description
P1	Fremlin Walk (north and south)
P2	House of Fraser unit, Fremlin Walk
P3	10-70 Week St (East)
P4	1-39 Week St (West)
P5	The Mall Upper Floor - Dukes Walk
P6	The Mall Ground Floor - Water Lane
P7	The Mall Lower Ground Floor
P8	Sainsburys

Secondary Frontage No.	Description
S1	105-123 Week St (West)
S2	100-120 Week St (East)
S3	79-95 Week St (West)
S4	8-16 St Faiths St (North)
S5	68-98 Week St (East)
S6	49-77 Week St (West)
S7	15-79 Union Street (North)
S8	Starnes Court, Union Street
S9	2-20 Union St (South)

Secondary Frontage No.	Description
S10	22-32 Union St (South)
S11	2 – 60 Earl Street (North)
S12	5-25 Earl Street (South)
S13	27-41 Earl St (South)
S14	43-49 Earl St (South)
S15	Market Buildings (East)
S16	Market Buildings (West)
S17	Royal Star Arcade
S18	2 Pudding Lane (East)
S19	13-43 Pudding Lane (West)
S20	1-11 Pudding Lane (West)
S21	Medway St (North)
S22	Medway St (South)
S23	3-21 High Street (North)
S24	22-46 High St (North)
S25	Middle Row

Secondary Frontage No.	Description
S26	68-100 Bank St (South)
S27	53-66 High St (South)
S28	1-13 Mill St (East)
S29	2-22 Mill St (West)
S30	Gabriels Hill (West)
S31	Gabriels Hill (East)
S32	Gala Bingo plus 11-17 Lower Stone St (East)
S33	22-66 Lower Stone St (West)
S34	21-41 Lower Stone St (East)
S35	1-11 Colmans Parade/King Street (North)
S36	Tel Exchange/ex PO to 17 King St (North)
S37	Multi storey car park to 93 King St (North)
S38	4-12 King St (South)
S39	22 King St (South) to MBC Gateway
S40	68 – 106 King Street (South)

KEY

-  Primary Shopping Frontages
-  Secondary Shopping Frontages

PROPOSED PRIMARY AND SECONDARY SHOPPING FRONTAGES

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