

Public Document Pack



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21 March 2017

Dear Councillor

NOTICE OF DECISION TAKEN BETWEEN MEETINGS – (DPH05 16) CANTERBURY DISTRICT LOCAL PLAN: PROPOSED MAIN MODIFICATIONS

Please find attached details of a decision taken by Councillor Nick Kenton, Portfolio Holder for Environment, Waste and Planning, to submit representations on proposed modifications to the Canterbury District Local Plan.

The deadline for receipt of representations is 24 March 2017, and the Chairman of the Council has therefore agreed to suspend call-in so that the Council's representations can be submitted in time.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Support Officer

ENCL

1 **(DPH05 16) - CANTERBURY DISTRICT LOCAL PLAN: PROPOSED MAIN MODIFICATIONS** (Pages 2-26)

Decision Notice

Decision Taken Between Meetings

| | |
|---------------------------------|---|
| Decision No: | DPH05 |
| Subject: | CANTERBURY DISTRICT LOCAL PLAN PROPOSED MAIN MODIFICATIONS |
| Notification Date: | 21 March 2017 |
| Implementation Date: | 24 March 2017 |
| Decision taken by: | Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning |
| Authority: | Paragraph 12 of Section 3C of Part 3 (Responsibility for Functions) of the Constitution |
| Decision Type: | Executive Key Decision |
| Call-In to Apply? | No (<i>the Chairman of the Council has agreed to suspend call-in for the reasons set out in paragraph 1.4</i>) |
| Classification: | Unrestricted |
| Reason for the Decision: | To ensure that the Council can make representations on the proposed modifications to the Canterbury Local Plan within the consultation period deadline. |
| Decision: | To agree that the recommended representations are made to Canterbury City Council. |

1. **Consideration and Alternatives (*if applicable*)**
 - 1.1 The District Council agreed in July 2014 to make formal representations against aspects of the Canterbury District Local Plan Publication Draft. Officers appeared at the subsequent Public Examination in 2016 to pursue those representations. The Examination process has now reached the point of a consultation on proposed Main Modifications (MMs). The MMs are intended to address parts of the Plan which otherwise might be found to be unsound and prevent its adoption. The responses to consultation will be taken into account by the Inspector holding the Examination when he finalises the recommendations in his report to the City Council. Consultation responses will only be taken into account if they relate to the proposed MMs.
 - 1.2 In some cases the proposed MMs address points made by the Council but, in relation to the matter of comparison retailing and the Wincheap Retail Area proposals, there are, unfortunately, several instances where they do not.
 - 1.3 Responses to the proposed MMs must be submitted to Canterbury City Council by 24 March 2017. For this reason the decision cannot wait until the next Cabinet meeting on 3 April 2017.
 - 1.4 The Chairman of the Council is requested to suspend call-in as this will enable the representations to be submitted by the deadline.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. **Supporting Information (*as applicable*)**

3.1 See the attached report.

Subject: CANTERBURY DISTRICT LOCAL PLAN PROPOSED MAIN MODIFICATIONS

Meeting and Date: Cabinet – Decision Between Meetings

Report of: Head of Regeneration and Development

Portfolio Holder: Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning

Decision Type: Key

Classification: Unrestricted

Purpose of the report: To consider what comments the Council should make in response to a consultation by Canterbury City Council on proposed Main Modifications to its draft Local Plan.

Recommendation: That the recommended comments on the proposed Main Modifications to the Canterbury District Local Plan be agreed and submitted to Canterbury City Council

1. Summary

The proposed Main Modifications respond to some of the matters on which the Council made formal representations but they do not address all the key points. It is therefore recommended that representations on the proposed Main Modifications are made accordingly in pursuance of the Council's case.

2. Introduction and Background

2.1 The District Council agreed in July 2014 to make formal representations against aspects of the Canterbury District Local Plan Publication Draft. Officers appeared at the subsequent Public Examination in 2016 to pursue those representations. The Examination process has now reached the point of a consultation on proposed Main Modifications (MMs). The MMs are intended to address parts of the Plan which otherwise might be found to be unsound and prevent its adoption. The responses to consultation will be taken into account by the Inspector holding the Examination when he finalises the recommendations in his report to the City Council. Consultation responses will only be taken into account if they relate to the proposed MMs.

2.2 In some cases the proposed MMs address points made by the Council but in relation to the matter of comparison retailing and the Wincheap Retail Area proposals there are, however, several instances where they do not. The MMs relating to retail are reproduced in Appendix 1 and the District Council's recommended response to these is set out in the paragraphs below. Responses to the proposed MMs must be submitted to Canterbury City Council by 24 March 2017.

2.3 **MM3, Policy SP2** This reduces the overall amount of additional comparison floorspace that needs to be planned for from 50,000sqm to 33,800sqm in order to align with the findings of a more up-to-date Retail and Leisure Study (2015) and breaks this total figure down into projected demand into each of the Plan's four five-year time periods. A new footnote commits the City Council to reviewing the need for new retail floorspace around every five years and that the results will become

material considerations. This MM meets the District Council's concerns and is **supported**.

- 2.4 **MM54 Paragraph 4.6** One of the proposed changes to this paragraph sets out a clear commitment to focus new retail development in Canterbury City centre. This is in-line with national policy and is **supported**.
- 2.5 **MM58 New Policy TCL(A)** This sets out a proposed Retail Hierarchy and, amongst other things, states that the Council will apply a town centre first approach to proposals for new retail. This is in-line with national policy and is **supported**.
- 2.6 **MM61 Policy TCL2** This relates to the identification of Primary Shopping Frontages on the Proposals Map. These appear to be identified in a dark blue colour but this does not appear in the key and is therefore unclear. The key should be amended to address this point.
- 2.7 Without this amendment the proposed MM is not effective.
- 2.8 **MM66 Paragraph 4.41** This Paragraph sets out how the City Council will apply the sequential test for main town centre uses, including retail. The MM relating to the definition of edge-of-centre locations, which states that they are those within 300m of the Primary Shopping Area, brings the Paragraph into conformity with national policy relating to retail uses, addresses the District Council's concerns and is supported. The MM does not, however, reflect the different national definition for other main town centre uses (i.e. those other than retail) as being within 300m of a town centre boundary. The MM should be amended accordingly. The purpose of this Paragraph is to provide definitions for the implementation of Policy TCL6. In order to make this absolutely clear the first sentence in the Paragraph should be changed to read: "The Council will apply the sequential test for main town centre uses set out in Policy TCL6 as follows:"
- 2.9 Without these amendments the proposed MM is not consistent with national policy and not effective.
- 2.10 **MM69 Policy TCL6** Provided that the matters raised in relation to Paragraph 4.41 are accepted the District Council **supports** the MM in relation to the first part of the Policy up to and including part (d). The paragraph in the Policy following (d), as proposed by the MM, does not however reflect the District Council's concerns regarding the need for impact assessment of the Wincheap proposals raised in the Examination hearings nor the oral response given by the City Council. The MM requires any applications for main town centre uses that are not in accordance with the Plan and with a floorspace exceeding 2500sqm to be subject to an impact assessment. The District Council's concern is that this would allow a proposal that is in accordance with the Plan (and specifically one that was in accordance with Policy TCL7 regarding Wincheap) not to be subject to an impact assessment in circumstances where the Plan's retail proposals themselves have not been subject to impact assessment. Such major retail proposals could therefore be permitted without their impact ever having been assessed. The District Council strongly **objects** to this as it is quite contrary to the NPPF for all the reasons set out in response to the Inspector's question 10 h. In addition, the MM states that an impact assessment will be required if an application proposes more floorspace than identified in Policy SP2 – the assessment to relate to the impact of the excess floorspace only. This seems unnecessary as, by definition, such proposals would not be in accordance with the Plan and would require an impact assessment under the preceding part of the MM anyway. Most importantly though, the MM does not tackle the point made at the

Hearings, that there needed to be a mechanism to prevent planning permission being granted for an amount of retail floorspace in advance of the need arising. While it is appreciated that the footnote to Policy SP2 introduced through MM3 commits the City Council to reviewing retail capacity every five years and the results becoming a material consideration this, of itself, does not deal with the issue. MM73 does, however, propose text that addresses this issue (which is supported by the District Council) but it is most important that Policy TCL6 is modified to make it consistent with MM73 and reflect the discussion at the Hearing.

- 2.11 In order to address this it is proposed that the MM69 should be amended to replace the sentence “Should any retail proposals come forward that exceeds the total retail capacity, as outlined in Policy SP2, an impact test will be required on the net additional floorspace.” with “**Planning applications that seek permission for an amount of retail floorspace that exceeds the identified requirement for the five-year period in which it is submitted, as set out in Policy SP2 or as updated by any future Retail Capacity Study carried out by the Council, either singly or in combination with any other permissions or applications will require a retail impact assessment.**”
- 2.12 Without this amendment the proposed MM is not consistent with national policy,
- 2.13 **MM72 Paragraph 4.49** The District Council **supports** the reference in the second part of the MM to the GL Hearn’s Sequential Assessment and Wincheap Capacity Study and their finding that there were proposals and commitments that could accommodate around 8,500sqm of comparison retail floorspace which left around 25,000sqm floorspace to be accommodated. It should be noted that the Capacity Study consequently only tested accommodating 25,000sqm at Wincheap.
- 2.14 The District Council **objects strongly** to the final part of the MM that, despite the above points, dismisses the contribution from all the sites that could accommodate 8,500sqm and instead proposes up to 33,800sqm of floorspace at Wincheap. The grounds of objection are that: it is contrary to the Sequential Assessment that obviously considered these sites as deliverable and sequentially preferable, contrary to the various statements elsewhere in the Plan that the City Council is committed to a town centre first approach and, failing that, a strong application of the sequential approach, contrary to the second part of the same MM, and contrary to its own evidence base as it in effect proposes up to 42,300sqm of additional floorspace. The floorspace over 33,800sqm is above identified need and un-evidenced. The District Council therefore seeks the deletion of this part of the MM, with the exception of the first sentence, and replacement with text that proposes the balance of 25,000sqm to be accommodated at the Wincheap Retail Area.
- 2.15 Without reducing the amount of proposed floorspace to 25,000sqm the MM is not consistent with national policy, not justified.
- 2.16 Without prejudice to the above, if the allocation at Wincheap remains at 33,800sqm the Plan needs to explain how the delivery of development on the identified sequentially preferable sites is any less certain than at Wincheap. In addition, if the overall proposals for comparison retail floorspace amount to more than the identified need for 33,800sqm the Plan itself must be supported and justified by a retail impact assessment – which it currently is not.
- 2.17 Without addressing these matters the proposed MM is not consistent with national policy and not justified.

- 2.18 **MM73 Paragraph 4.50** The part of the MM starting “It is anticipated...” is **supported** as it complements the changes to MM69 regarding Policy TCL6 that are put forward by the District Council.
- 2.19 The District Council generally supports the final part of the MM in committing to the production of a Masterplan and Development Principles Documents but has the following specific amendments.
- 2.20 The reference to the City Council’s appointed agent preparing a Masterplan is not necessary as an agent would be commissioned by the Council and carrying out the Council’s work. It should be removed.
- 2.21 The status and approval process of the Masterplan should be made clear. The District Council remains firmly of the view that it should be prepared and adopted as a Supplementary Planning Document in order to set a clear context with unambiguous status for preparing and deciding planning applications in accordance with paragraph 153 of the NPPF.
- 2.22 The wording of the MM leaves uncertainty over who would prepare the Development Principles Documents. As they are intended to guide the preparation of planning applications and decision taking they should be prepared and approved by the City Council and the MM should be amended to reflect this.
- 2.23 Without addressing these points the proposed MM is not effective.

3. **Identification of Options**

- 3.1 The Council could choose not to make any comments on the MMs or agree to make comments as recommended.

4. **Evaluation of Options**

- 4.1 Not to make comments on MMs that have failed to address the matters on which the Council previously decided to make representations would be inconsistent. The favoured option is therefore to submit comments as recommended.

5. **Resource Implications**

- 5.1 Submission of comments does not have any financial implications.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>
- 6.4 Other Officers (as appropriate): None.

7. **Appendices**

Appendix 1 – Canterbury District Local Plan proposed Main Modifications relating to retail.

8. **Background Papers**

None.

Contact Officer: Mike Ebbs, Head of Regeneration and Development

| Reference | Page | Policy/ Paragraph | Main Modification | | |
|---|----------------------|-----------------------|---|-----------------------|-------------------------|
| MM 3 | 23 | SP2 Table | <i>Amend policy table as follows:</i> | | |
| Policy SP2 Development Requirements | | | | | |
| Land is allocated to meet the identified development requirements and guidelines, as set out below. | | | | | |
| Development Type | 2011-16 | 2016-21 | 2021-26 | 2026-31 | Total (2011-31) |
| Housing (units)* | 3000 <u>2,500</u> | 4,200 <u>4,500</u> | 4,200 <u>4,500</u> | 4,200 <u>4,500</u> | 15,600 <u>16,000</u> |
| Employment land (B1, B2 and B8) (sqm) | 25,000 | 25,000 | 23,775 | 23,000 | 96,775 |
| Other employment uses | | | To be provided as part of identified employment sites | | |
| Retail provision | Area | | Convenience | Comparison | |
| | Canterbury ** | | 0 sqm | -50,000 sqm | |
| | Herne Bay *** | | 0 sqm | -0 sqm | |
| | Whitstable | | | -3,250 sqm | |
| <u>Retail **</u> | | | | | |
| <u>Comparison Goods</u> | <u>0 sqm</u> | <u>8,564 sqm</u> | <u>11,360 sqm</u> | <u>13,876 sqm</u> | <u>33,800 sqm</u> |
| <u>Canterbury***</u> | | | | | |
| <u>Convenience Goods</u> | <u>0 sqm</u> | <u>0 sqm</u> | <u>266 sqm</u> | <u>2,342 sqm</u> | <u>2,608 sqm</u> |
| <p>*This is a broad phasing, and detailed housing allocations and permissions are set out in <u>Appendix 2</u>. The mix of housing types and tenures will be expected to meet the proportions set out in the Council's Housing Strategy</p> <p>**After completion of outstanding permissions</p> <p>***On completion on Central Development Area</p> <p>** <u>The City Council will review the retail capacity of the District approximately every 5 years and any future studies within the plan period will become a material planning consideration</u></p> <p>*** <u>This relates to Canterbury District, not just the City of Canterbury</u></p> | | | | | |

| Reference | Page | Policy/ Paragraph | Main Modification |
|--|------|----------------------|--|
| Chapter 4: Town Centres and Leisure | | | |
| MM 54 | 90 | 4.6 | <p><i>Amend text</i></p> <p><u>Retail Hierarchy and Network</u></p> <p>Canterbury City Centre acts as a sub-regional centre for retail. <u>Retail development should be focused in the city centre to support its role as a shopping, leisure, cultural and tourism destination.</u> The Council believes that the changes in national trends are likely to result in a continued increase in the demand for the City as a retail destination. Canterbury needs to make the most of this opportunity, encourage investment in the centre, attract more of the big retail names, support the independent sector and expand the centre to meet an identified retail need. It is essential that the Council seeks to safeguard its strong retail offer in the Primary Shopping Area and retain its position as an important sub-regional centre for retail and consumer services, providing for the needs of residents, students, workers, tourists and the visitor economy generally.</p> |
| MM 55 | 90 | 4.7 | <p><i>Amend text</i></p> <p>The district centres (Herne Bay and Whitstable) have a complementary role as part of the established retail hierarchy, serving the local population. They ensure a sustainable focus and pattern for development and their position within the retail hierarchy will continue to ensure they have opportunities to enhance and strengthen their role. The distinctive characteristics of each centre will be promoted, and there is clearly scope within both centres for making improvements to the public realm and shopping environment.</p> <p><u>The historic nature of Canterbury City Centre means that it is unable to expand like other centres as there are limited opportunities for growth. Canterbury is therefore supported by a network of other retail locations</u></p> |
| MM 56 | 90 | 4.8 | <p><i>Amend text</i></p> <p>Whitstable, an important district centre for retail, with an unusual and successful retail offer of an independent and eclectic range of shops, needs to be carefully supported in maintaining its retail character.</p> <p><u>In order to meet the identified retail need and maintain Canterbury's position as a sub-regional centre, a comprehensive retail-led scheme will be supported on land at the Wincheap</u></p> |

| Reference | Page | Policy/ Paragraph | Main Modification |
|-----------|------|----------------------|---|
| | | | <u>Industrial Estate and Riverside Retail Park, as shown on the Proposals Map (Policy TCL7). It will include a substantial element of new comparison retail floorspace that is complementary to and well connected with the City Centre. Leisure, residential and business uses will also be permitted within the site, complimentary to its primary retail offer.</u> |
| MM 57 | 90 | 4.9 | <p><i>Amend text</i></p> <p>The retail offer of Herne Bay, also dominated by independents, should benefit from regeneration efforts identified in the Herne Bay Area Action Plan, which seeks to improve the retail offer and increase the amount of consumer spending retained in the town.</p> <p><u>Whitstable and Herne Bay District Centres: Secondary retail centres that fulfil a complementary role to Canterbury City Centre in the established retail hierarchy. They serve the local population and ensure a sustainable focus and pattern for development and their position within the retail hierarchy will continue to ensure they have opportunities to enhance and strengthen this function. The distinctive characteristics of each centre will be promoted in Policy TCL8, and there is scope within both centres for making improvements to the public realm and shopping environment.</u></p> |
| MM 58 | 90 | TCL (A) | <p><i>Insert new policy text</i></p> <p><u>Policy TCL(A) Retail Hierarchy and Network</u></p> <p><u>To ensure the long term vitality and viability of the Canterbury centres, the Council will apply a town centre first approach to proposals for retail, leisure and other main town centre uses. Development should be appropriate to the size and function of the centre within which it is to be located. The District's retail hierarchy includes the defined city, district and local centres. The wider retail network also includes other retailing locations across the district. The overall hierarchy and network is defined as follows:</u></p> |

| Reference | Page | Policy/ Paragraph | Main Modification | | | | | | | | | | | | | | | | | | | | |
|--|---|---|--|--|--|--|--|---|---|---|---|------------------------------------|---|--|--|---------------------------------|---|--|--|--|---|--|--|
| | | | <p><u>Retail Hierarchy and Network</u></p> <table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>City / Sub- Regional Centre</u></td> <td> <ul style="list-style-type: none"> • <u>Canterbury City Centre</u> </td> <td><u>Other Canterbury Retail Locations</u></td> <td> <ul style="list-style-type: none"> • <u>Wincheap Industrial Estate*</u> • <u>Riverside Retail Park*</u> • <u>Marshwood Industrial Estate</u> • <u>Stour and Maybrook Retail Parks</u> </td> </tr> <tr> <td><u>District Centres</u></td> <td> <ul style="list-style-type: none"> • <u>Whitstable</u> • <u>Herne Bay</u> </td> <td></td> <td></td> </tr> <tr> <td><u>Local Centres</u></td> <td> <ul style="list-style-type: none"> • <u>Wincheap (A28), Canterbury</u> • <u>St. Dunstan's, Canterbury</u> • <u>Tankerton Road, Tankerton</u> • <u>Herne Bay Road/ St Johns Road, Swalecliffe</u> • <u>Sea Street, Herne Bay</u> • <u>Canterbury Road, Herne Bay</u> • <u>Reculver Road, Beltinge</u> • <u>Faversham Road, Seasalter</u> </td> <td></td> <td></td> </tr> <tr> <td><u>Larger Local Village Centres</u></td> <td> <ul style="list-style-type: none"> • <u>Barham</u> • <u>Blean</u> • <u>Bridge</u> • <u>Chartham</u> • <u>Hersden</u> • <u>Sturry</u> • <u>Littlebourne</u> </td> <td></td> <td></td> </tr> </table> | | | | | <u>City / Sub- Regional Centre</u> | <ul style="list-style-type: none"> • <u>Canterbury City Centre</u> | <u>Other Canterbury Retail Locations</u> | <ul style="list-style-type: none"> • <u>Wincheap Industrial Estate*</u> • <u>Riverside Retail Park*</u> • <u>Marshwood Industrial Estate</u> • <u>Stour and Maybrook Retail Parks</u> | <u>District Centres</u> | <ul style="list-style-type: none"> • <u>Whitstable</u> • <u>Herne Bay</u> | | | <u>Local Centres</u> | <ul style="list-style-type: none"> • <u>Wincheap (A28), Canterbury</u> • <u>St. Dunstan's, Canterbury</u> • <u>Tankerton Road, Tankerton</u> • <u>Herne Bay Road/ St Johns Road, Swalecliffe</u> • <u>Sea Street, Herne Bay</u> • <u>Canterbury Road, Herne Bay</u> • <u>Reculver Road, Beltinge</u> • <u>Faversham Road, Seasalter</u> | | | <u>Larger Local Village Centres</u> | <ul style="list-style-type: none"> • <u>Barham</u> • <u>Blean</u> • <u>Bridge</u> • <u>Chartham</u> • <u>Hersden</u> • <u>Sturry</u> • <u>Littlebourne</u> | | |
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| | | | <p><u>* The Wincheap Industrial Estate and Riverside Retail Park are subject to Policy TCL7</u></p> | | | | | | | | | | | | | | | | | | | | |

| Reference | Page | Policy/ Paragraph | Main Modification |
|-----------|------|----------------------|---|
| MM 59 | 91 | TCL1 | <p><i>Amend policy text</i></p> <p>Policy TCL1 Town Centres</p> <p>Within the designated town centres, planning permission will be granted for development of a range of town centres uses <u>where they respond to changing need and/or contribute that add to the vitality and viability of the town centre, including the experience economy, except where the proposed development is in conflict with other policies or other environmental objectives.</u></p> <p>The Council will seek to enhance the established character and diversity of town centre uses, and avoid over-concentration of particular uses that would be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.</p> <p>Development <u>proposals within town centres</u> should be of an appropriate scale in accordance with <u>its function and that centre's position in the retail hierarchy.</u></p> |
| MM 60 | 92 | 4.16 | <p><i>Amend text</i></p> <p>Primary Shopping Areas <u>Frontages</u></p> <p>The Council has designated Primary Shopping Frontages in Canterbury City, Whitstable and Herne Bay. These areas are intended primarily for A1 (shops) use, to ensure a competitive retail offer and accessible shopping core, which will underpin healthy and thriving town centres. Alternative retail and non-retail uses can in most instances be located in the Mixed <u>Secondary Shopping Frontages</u> or wider town centre and still contribute to vitality and viability. The Council will continue to monitor town centre vacancies. This will be a relevant consideration in the application of Policy TCL2.</p> |
| MM 61 | 93 | TCL2 | <p><i>Amend policy text</i></p> <p>Policy TCL2 Primary Shopping Frontages</p> <p>Within the Primary Shopping Frontages are <u>designated at Canterbury, Herne Bay and Whitstable as shown on the Proposals Map.</u></p> |

| Reference | Page | Policy/ Paragraph | Main Modification |
|-----------|--------|----------------------|---|
| | | | <p><u>The Council will strongly encourage proposals that promote A1 uses which strengthen the retail function as well as the appearance and character of the Primary Shopping Frontages.</u></p> <p>‡The change of use of ground floor premises from Class A1 shops to other uses will only be permitted where:</p> <p>(a) It can be shown that the premises is no longer needed for A1 use and the retention of A1 use at the premises have been fully explored, without success, by way of active marketing at a reasonable rate for a period of at least 12 months in Canterbury or at least 6 months in Herne Bay and Whitstable; and</p> <p>(b) The proposed change of use does not have an unacceptable impact on the retail function of the frontage, on the attractiveness, <u>or on the</u> vitality and viability of the primary shopping frontage, <u>including</u> or on pedestrian circulation to <u>nearby streets.</u></p> <p>Alternatively, a An exception may be made where the proposal would clearly be beneficial to the vitality and viability of the primary retail function of the frontage.</p> |
| MM 62 | 93 -94 | 4.23 | <p><i>Amend text</i></p> <p>Mixed <u>Secondary</u> Shopping Frontages</p> <p>Within the Mixed <u>Secondary</u> Shopping Frontages a mix of uses will be acceptable (including retail, professional and financial services, restaurants, cafes and bars), where this does not harm the vitality, attractiveness and viability of the shopping function of the area. <u>Therefore, within these</u> Mixed <u>Secondary</u> Shopping Frontages, therefore, the Council will encourage an active mix of uses, and resist the loss of retail (A1-A5) uses to residential or other non-retail uses. It is important that active frontages / shopfronts are maintained so that the Mixed <u>Secondary</u> Shopping Frontage remains active and no areas of dead frontage are created, thereby isolating units further away. Care will be taken to avoid excessive concentrations of single uses that could cause amenity issues and affect the main shopping focus.</p> |

| Reference | Page | Policy/ Paragraph | Main Modification |
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| MM 63 | 94 | 4.25 | <p><i>Amend text</i></p> <p>Planning proposals for a change of use from A1 (shops) to A2 (financial and professional services) excluding banks and building societies, A3 (restaurants and cafes), A4 (drinking establishments), or A5 (hot food takeaways) will need to be carefully considered against Policy Policy TCL3. Particular attention should be given to avoiding the clustering of non-A1 uses where this is detrimental to the attractiveness of the centre in accordance with Policy TCL1. Within the Mixed <u>Mixed Secondary</u> shopping areas of Canterbury, Whitstable and Herne Bay, the <u>City</u> Council will support measures to protect and promote the charm and convenience of the independent retail sector. The Council will continue to monitor town centre vacancies. This will be a relevant consideration in the application of Policy TCL3. In the case of St Peters Street, additional flexibility is provided through Policy TCL4.</p> |
| MM 64 | 94 | TCL3 | <p><i>Amend policy text</i></p> <p>Policy TCL3 Mixed <u>Mixed Secondary</u> Shopping Frontages</p> <p>Mixed <u>Mixed Secondary</u> Shopping Frontages are designated at Canterbury, Herne Bay and Whitstable as shown on the Proposals Map. <u>The Council will strongly encourage proposals that promote a mix of A1 to A5 uses and that maintain a Secondary Shopping Frontage.</u></p> <p>Changes of use of ground floor premises in these areas between the A use class will be permitted where the proposed use:</p> <ul style="list-style-type: none"> (a) Retains an active shop front and maintains or enhances the vitality, attractiveness and viability of the shopping area; (b) Is complementary to the shopping function of the area and provides a direct service to the public; and (c) Does not result in an over concentration of such <u>like</u> uses in the area <u>and contributes to an appropriate mix and diverse retail offer.</u> <p>Change of use to residential or other non-retail uses will not normally be permitted.</p> |

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| MM 65 | 96 | TCL5 | <p><i>Amend text</i></p> <p>Policy TLC5: Local Centres</p> <p>The Council will protect and improve the provision of retail uses and other uses that meet local needs in the designated local centres and the Canterbury City areas of Wincheap, and St Dunstons. Planning permission will only be granted for a change of use from a retail shop or other community use if:</p> <ol style="list-style-type: none"> The proposed use does not threaten the vitality and viability of the local centre; The proposed use is not detrimental to residential amenity; The proposed use does not jeopardise the balance and variety of services available in the local centre to meet the needs of the local community; There is evidence to demonstrate that there is no demand for the continued use of the premises for retail or community uses; and The use is no longer viable and the property has been actively marketed at a reasonable rate for a period of at least 12 months. <p>Proposals for new shopping or community provision within or adjacent to local centres will be permitted where the proposals meet a local need, widen the choice, quality or range of shopping or community facilities, and are of a scale appropriate to the function of that particular centre.</p> |
| MM 66 | 98 | 4.41 | <p><i>Amend text</i></p> <p>The Council will apply the sequential test to main town centre uses in the following order:</p> <ul style="list-style-type: none"> • Primary Shopping Area (or designated retail frontages in coastal towns); • Town Centre locations; • Edge of centre locations (within 300m of the <u>Primary Shopping Area in Canterbury and town centre boundary in Herne Bay and Whitstable</u>); • Retail Nodes (in Canterbury); • Out of Centre locations. |

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| MM 67 | 98 | 4.42 | <p><i>Amend text</i></p> <p>Proposals at out of centre locations will only be permitted if suitable sites are not sequentially available in Primary Shopping Areas, town centre, or edge of centre locations or designated retail nodes. Preference will be given to accessible sites that are well connected to the town centre.</p> |
| MM 68 | 99 | 4.45 | <p><i>Amend text</i></p> <p>In the case of existing retail warehouses that are effectively limited to bulky goods, the Council will resist pressures to broaden out the range of goods permitted to be sold. This is to protect the vitality and viability of the City centre but it would also help retain the availability of units for bulky goods sales. If proposals come before the Council for relaxing the restrictions on the range of goods to be sold, then they should meet the requirements of policy TCL6 below. 929 sqm (10,000 sq ft) has commonly been used as part of conditions in the Canterbury District as the threshold below which bulky goods units should not be subdivided or at which bulky goods conditions have been attached.</p> |
| MM 69 | 99 | TCL6 | <p><i>Amend policy text</i></p> <p>Policy TCL6: Main Town Centre Uses</p> <p>Planning permission for main town centre uses outside the defined identified town centre boundaries boundary, or Primary Shopping Area/frontage in the case of retail uses, will not be granted unless where the applicant has successfully demonstrated:</p> <p>(a) That there are no other more suitably located and available sites nearer to the identified town centres or Primary Shopping Area (as relevant for Canterbury City Centre) for the town centre use(s) proposed for A1 retail uses, using a sequential approach to site identification;</p> <p>(b) Flexibility in terms of format and scale;</p> <p>(c) The site is accessible <u>and well connected to the town centre through and convenient to</u> a range of transport modes other than the car, including good local public transport services, and walking and cycling; and</p> <p>(d) The proposed development does not have a significant detrimental effect on the highway network in terms of congestion, road safety and pollution.</p> |

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| | | | <p>When assessing applications for retail, leisure and office development-main town centre uses outside the identified centre boundaries, <u>which are not in accordance with the adopted Local Plan, and with a floorspace that meets or exceeds 920sqm 2,500sqm</u>, the Council will also require an impact assessment. <u>Should any retail proposal come forward that exceeds the total identified retail capacity, as outlined in Policy SP2, an impact test will be required on the net additional floorspace. An Impact assessment which</u> will include an assessment of:</p> <p>(e) The impact of the development on existing, committed and planned public and private investment (including regeneration schemes) in a centre or centres in the catchment area of the proposal;</p> <p>(f) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, <u>up to five years (ten for major schemes) from the time the application is made;</u> and</p> <p>(g) Effect on the vitality and viability of other town centres and identified local centres within the catchment area of the proposal.</p> <p>Development <u>that fails the sequential approach to development or gives rise to significant adverse impacts</u> will be refused.</p> |
| MM 70 | 100 | 4.47 | <p><i>Amend text</i></p> <p>Diversification of the Retail Offer and The Wincheap Retail Area and Meeting the Retail Need</p> <p>The comparison (non-food) retail need identified for Canterbury City is significant. In order to maintain Canterbury's current role and competitive position in the retail hierarchy it follows that the Council should seek to meet this need.</p> <p><u>The NPPF states that Local Planning Authorities should: "allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, community services and residential development needed in town centres. It is important that retail and leisure needs are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites".</u></p> |

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| MM 71 | 100 | 4.48 | <p><i>Amend text</i></p> <p>The NPPF states that Local Planning Authorities should: “allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, community services and residential development needed in town centres. It is important that retail and leisure needs are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites”.</p> <p><u>The Canterbury Retail and Leisure Study (2015) prepared by GL Hearn included a quantitative retail capacity assessment which identified capacity across the Canterbury District for 33,800 sqm of net comparison floorspace by 2031. This is a reduction from the 50,000sqm advised by DTZ in 2011.</u></p> <p><u>The 2015 study also indicates that Canterbury’s catchment has been contracting since 2011, indicating a slight diminution in its regional performance. Therefore, the Council has opted to pursue a commercial and defensive approach to its retail strategy that seeks to protect and consolidate Canterbury’s position in the retail hierarchy as a sub-regional centre by meeting the identified need in full.</u></p> |
| MM 72 | 100 | 4.49 | <p><i>Amend text</i></p> <p>Given the historic City is more constrained than most centres, the significant comparison retail capacity identified and the lack of suitable City centre sites to accommodate this need, the council needs to make a significant retail allocation in a suitable location.</p> <p><u>The NPPF advocates priority for retail in town centres in the first instance. However, whilst the character and heritage aspects of the City are of major benefit to Canterbury’s economic success as a retail destination, they also act as a constraint on the future development potential of the Primary Shopping Area.</u></p> <p><u>GL Hearn’s Sequential Assessment and Wincheap Capacity Study (2016) estimated that in the order of 8,500 sqm net of the capacity identified could potentially be accommodated through commitments and sequential sites across the District. In accord with the NPPF this leaves approximately 25,000 sqm net of floorspace still to be accommodated.</u></p> <p><u>Advice received from DTZ in the Retail and Leisure Strategy (2011) and supported by the updated guidance by GL Hearn (2015) recommends that the Council should focus on the higher quality and specialist retail and leisure operators within the city centre, providing an holistic offer for resident and visitor markets and</u></p> |

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| | | | <p><u>identifying opportunities for a satellite retail in an edge or out of centre location. This should be that offers a genuinely complementary function to the Canterbury City Centre. Whilst it is anticipated that this can be best achieved by catering more for bulky goods and large format/mass market retailers and leisure operators, (conditioned appropriately), ensuring a focus on high quality and specialist retailers in the City centre. The NPPF clearly indicates a priority for retail in town centres in the first instance. the gap analysis by GL Hearn identifies a number of town centre retailers that are present in comparable cathedral cities but not Canterbury. Therefore, in order to maintain its position within the retail hierarchy some additional town centre floorspace / uses may also need to form part of any future proposals provided the requirements of Policy TCL6 can be satisfied.</u></p> <p><u>To maintain Canterbury’s current role and competitive position in the retail hierarchy it follows that the Council should seek to meet this need through Policy TCL7 “The Wincheap Retail Area”. Whilst the Sequential Assessment identified some capacity elsewhere in the District there is no guarantee that these sites would be available, deliverable or that retail would be the sole use. Therefore, Policy TCL7 allows accommodation of up to 33,800 sqm net floorspace to inject a degree of flexibility and certainty in terms of meeting the retail needs of the District as identified in the GL Hearn Retail Study.</u></p> |
| MM 73 | 100 | 4.50 | <p><i>Amend text</i></p> <p>The Wincheap Retail Area (currently the Wincheap Industrial Estate and Riverside Retail Park) close to the Park and Ride, and within walking distance of the City centre, is well placed to act as a satellite retail area. It must, however, have a complementary retail function, catering for more mass market and large format retailers. There is already substantial retail floorspace on the estate and a target additional net retail floorspace of 50,000sqm should be provided. Any redevelopment should seek to provide alternative premises for existing occupiers of the estate where possible. — Redevelopment should at Wincheap as envisaged in Policy TCL7 would make the best of the advantages of the current industrial estate as a brownfield location, including its position on one of the main entrances into the City, the presence of Canterbury East train station, Park and Ride facilities and major bus routes, its proximity to the new Canterbury - Chartham riverside footpath / cycle path and its close relationship to the historic City; an important sub-regional retail centre.</p> <p><u>It is anticipated that the planned redevelopment of the Wincheap Industrial Estate as a retail area will be managed in a phased approach. This would aim to match the delivery of floorspace to the capacity forecasts for each of the five-yearly periods as set out in Policy SP2. The</u></p> |

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| | | | <p><u>City Council will review the retail capacity of the District approximately every 5 years and any future studies will become a material consideration, ensuring that the scale of development is calibrated to any future update of the capacity assessment. Any retail or leisure application that seeks to provide floorspace over and above the level of provision identified in Policy SP2 for any of the phased period(s) should be accompanied by an Impact Assessment for the additional floorspace. This approach will ensure that no significant adverse impact on Canterbury or other centres should arise as stipulated by the NPPF.</u></p> <p><u>An overarching masterplan for the Wincheap Retail Area will be prepared by Canterbury City Council and/or its appointed agent in order to guide development proposals. In turn it is envisaged that separate Development Principles documents will be prepared preceding each phase. These will consider the relevant policies, material considerations, future floorspace capacity projections and design codes. The Development Principles document will also seek to identify potential alternative premises for existing occupiers not considered complementary to the new development proposals or those who may not wish to remain within a new scheme prior to the commencement of each phase. Until the development proposals are known in detail, it is not possible to do this as it would be highly speculative and subject to change given the Local Plan period and fluidity of the property market.</u></p> |
| MM 74 | 100 | 4.51 | <p><i>Amend text</i></p> <p><u>Any redevelopment proposals for A planned redevelopment of the estate Wincheap Retail Area should incorporate a high quality design and enhanced environment, a traffic management scheme as detailed in Policy T11 that would ensure essential improvements to traffic flow on Wincheap; (including a new off slip from the A2, and a relief route for Wincheap itself) and a mix of complementary retail, leisure, and business and possibly some residential uses. The Council will encourage a residential element to the scheme where that helps deliver the Council's priorities, and is located and designed in such a way that it is not incompatible with leisure uses.</u></p> |

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| MM 75 | 101 | 4.52 | <p><i>Amend text</i></p> <p>A master planning exercise will inform the preparation of a development brief for the Wincheap Retail Area. Any development should be sympathetic to the adjacent to the residential properties whilst on Wincheap should pay regard the scale of the residential context. Proposals adjacent to the open space on the Great Stour should also pay regard to its wildlife and landscape quality. This area of habitat is designated as a Local Wildlife Site and Area of High Landscape Value and will be safeguarded. The development brief proposals should also respond to flooding risks in the locality.</p> |
| MM 76 | 101 | 4.53 | <p><i>Amend text</i></p> <p>The Council <u>as majority landowner</u> will look to promote the improvement of Wincheap itself through the re-development of the existing estate, and highway improvements in particular. <u>Part of the S.106 agreement for planning permission CA/15/01479/OUT includes, amongst other items, the provision of an east bound slip road off the A2. The east bound A2 slip being the major highways infrastructure requirement necessary to support the comprehensive redevelopment of the Wincheap Retail Area.</u> The line of proposed new road infrastructure to relieve Wincheap of the in-bound traffic is safeguarded on the Proposals Map.</p> |
| MM 77 | 101 | TCL7 | <p><i>Amend policy text</i></p> <p>Policy TCL7 Wincheap Retail Area</p> <p>The Wincheap Retail Area, as shown on the proposals map, will be <u>regenerated and developed predominantly as a satellite area retail area, complementary to of the existing Canterbury City Centre offer, to include larger format focused on retail and leisure provision. The City Council and / or its appointed agent will prepare a Masterplan in accordance with the total requirements of this policy and other relevant Local Plan Policies.</u> The Council will facilitate the implementation of a comprehensive <u>retail-led</u> mixed-use redevelopment. Any scheme <u>proposals</u> will be required to:</p> <p>(a) substantially <u>accommodate up to 33,800sqm (net) of the large format comparison retail and leisure floorspace as identified by the Wincheap Retail Development Brief during the plan period Canterbury Retail and Leisure Study 2015 and phased in accordance with Policy SP2; and</u></p> |

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| | | | <p>(b) Form an effective, and functional and retail location that is complementary satellite centre of to the Canterbury City Centre offer and which that complies with the requirements of Policy TCL6; and</p> <p>(c) Provide improved, attractive and convenient pedestrian links with Canterbury eCity eCentre: and</p> <p>(d) Contribute towards a package of transport improvements as set out in Policy T11.</p> <p>Redevelopment of any <u>discrete</u> part of the Wincheap Retail Area must not impede the successful implementation of the <u>overarching comprehensive</u> retail and leisure-led redevelopment <u>aspirations scheme</u> and <u>must also</u> contribute financially to the overall delivery of <u>transport and pedestrian infrastructure as indicated in the Development Brief the Wincheap Traffic Management Scheme.</u></p> <p>The location and design of new <u>of any new business and/or</u> residential development identified as <u>a necessary requirement to ensure the sustainable regeneration of the area, or as essential to the viability of the overall scheme,</u> must be compatible with the primary retail and leisure function of the site.</p> |
| MM 78 | 105 | TCL10 | <p><i>Amend policy text</i></p> <p>TCL10 Mixed Use Development</p> <p>Within (and around) the town centre, new large developments and development within commercial frontages should incorporate a mix of uses (including residential and / or office uses on upper floors where practicable), which will make a more efficient use of land and add to the vitality of the area. Within the Primary Shopping Frontages, a mixed use retail development shall not result in the overall loss of A1 retail floorspace at ground floor level.</p> <p>In addition to new sites coming forward in town centres, the following sites are allocated for mixed use development with an indication of the types of uses that would be appropriate as part of the development. <u>Where retail and/or leisure uses are proposed, these should satisfy the requirements of Policy TCL6.</u></p> <p>Canterbury</p> <p>(a) White Horse Lane: retail, residential, community uses; (b) Roger Britton Carpets, 190 Wincheap: retail and residential;</p> |

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| | | | <p>(c) Kingsmead: retail, leisure and business and residential; (d) Peugeot Garage: student housing, office/commercial, leisure and education.</p> <p>Whitstable</p> <p>(e) The Warehouse, Sea Street: residential or offices or hotel, with public open space; (f) Whitstable Harbour: fishing, industrial, office / business, leisure and parking</p> <p>Development of those sites listed above will need to conform to the associated adopted Development Briefs or agreed development principles. <u>shall have regard to any relevant masterplans, development briefs or guidance.</u></p> |
| Chapter 5 : Transport Infrastructure | | | |
| MM 79 | 113 | 5.21 | <p><i>Amend text</i></p> <p>Planning policies have encouraged a balance of land uses so that people have been encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Development has only been prevented or refused on transport grounds where the residual cumulative impacts of development are severe. When considering providing public car parking and controlling the level of parking the City Council will <u>have regard to refer to the Parking Strategy as set out in the Canterbury Draft Transport Strategy. Over the plan period the City Council propose to dispose of some of the smaller city centre car parks and replace them at other locations including at Park and Ride sites, having regard to the overall supply.</u></p> |
| MM 80 | 114 | T1 | <p><i>Amend policy text</i></p> <p>Policy T1 Transport Strategy</p> <p>In considering the location of new development, or the relocation of existing activities, the Council will always take account of the following principles of the Draft Transport Strategy:</p> <p>a. Controlling the level and environmental impact of vehicular traffic including air quality;</p> |

