

APPENDIX F3

PROPOSED FURTHER AMENDMENTS TO THE REVISED DEPOSIT DRAFT LOCAL PLAN – AUGUST 2004

Foreword

This is a schedule of Proposed Further Amendments arising from evidence submitted to the Local Plan Inquiry or as proposed by the City Council during a Local Plan Inquiry appearance.

The Inspector is asked to consider these Proposed Further Amendments in preparation of his report.

Proposed Further Amendments to the Revised Deposit Text are shown as **highlighted** for new text and deletions have been ~~struck-out~~.

Chapter 1: Key Vision and Strategic Objectives

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
No Further Amendments					

CHAPTER 2: Providing Decent Housing

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA2/001	H4		<p>Amend Policy as follows.</p> <p>As agreed at Inquiry</p>	<p>Policy H4</p> <p>The City Council will encourage proposals to bring empty residential property into more efficient residential use and vacant properties, including underused spaces above shops, into residential use, unless:</p> <p>(a) The intensity of the proposed residential use is such that it will have an adverse impact on the amenity of nearby properties and/or lead to a significant increase in on-street parking prejudicial to highway safety;</p> <p>(b) There will be an adverse impact upon the character or appearance of an area, or a statutory listed building; and</p> <p>(c) There will be conflict with other Local Plan policies or there is a conflict with nearby uses in locations unsuitable for residential use.</p>	PR34

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA2/002		2.45	Amend paragraph 2.45 as follows:	<p>2.45 Canterbury City Council has no statutory duty to determine how many Gypsy sites are provided within the District. However, guidance in Circular 1/94 states that a needs assessment should be carried out and the need for such sites be identified. The City Council will look at the need to meet accommodation for gypsies, in accordance with Government guidance, providing:</p> <p>1) It is not in or adjacent to an Area of Outstanding Natural Beauty, Special Landscape Areas, Sites of Specific Scientific Interest, Areas of High Landscape Value, local and national nature reserves, Sites of Nature Conservation Interest and conservation areas, nor has an adverse impact on the interests of such areas;</p> <p>2) Where it is outside an existing settlement, it is within a reasonable distance of local services e.g. shops, hospitals and schools;</p> <p>3) Where the site is on the outskirts of a built up area, that care is taken to avoid encroachment on the open countryside.</p>	PR69
FA2/003		2.47	Amend paragraph 2.47 as follows:	<p>2.47 The City Council has signed up to the Kent County Management Protocol for Unauthorised Encampments. Most pressure in Canterbury for gypsy sites is seasonal, and often gypsies need temporary, not permanent, use of land. The City Council considers that the existing gypsy caravan site is sufficient public site provision to meet the long-term need for gypsies to have a permanent established base from which to conduct their nomadic lifestyle.</p>	PR69

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA2/004		2.48	Amend paragraph 2.48 as follows:	<p>2.48 The City Council will therefore permit the provision of gypsy caravans on appropriate sites on a seasonable or temporary basis only, and on non-sensitive or protected sites, in accordance with policy objectives in the Kent Structure Plan. Should In addition, the County Council may require the District to accommodate additional permanent sites, or planning applications may be submitted for individual private "permanent base" gypsy sites, are made, In these circumstances, the following criteria set out at Policy H5 (a) – (e) will shall be applied.</p>	PR69
FA2/005	H5		Amend Policy H5 as follows:	<p>Policy H5</p> <p>The City Council will only grant planning permission for a temporary period for the use of land for the stationing of homes for gypsies subject to the following criteria:</p> <p>a) The use of the site should not have an adverse impact on residential amenity or existing buildings or uses, either by the close proximity, activities or operations on the site which would be detrimental to the surrounding area;</p> <p>b) The site should not be located within areas designated as having special nature conservation, landscape, or conservation importance, or have an adverse impact on the interests of such areas;</p> <p>c) The site, caravans and associated activities should be adequately screened from the surrounding land;</p> <p>d) The site should be well related to local services and facilities -</p>	PR69

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
				<p>shops, public transport, schools, medical and social services; and</p> <p>e) Access to the site should not be detrimental to highway safety for vehicles and pedestrians, and should not conflict with other transportation policies or objectives.</p> <p>Applicants claiming gypsy status will have to demonstrate that their claim is genuine in order for their special circumstance to be taken into account for proposals outside urban areas. Any planning permission will have permitted development rights removed and proposals requiring planning permission will only be granted for development that is absolutely necessary for the health and safety of the occupiers, including, for example, sanitary arrangements.</p>	
FA2/006		To follow 2.30a	New paragraph to follow 2.30a	<p>Insert new paragraph to follow 2.30a</p> <p>The term affordable housing includes both low cost market and subsidised housing and is defined as housing which is available to people who cannot afford to rent or buy housing generally available on the open market.</p>	WS18
FA2/007	H2		Amend Policy H2 as follows:	<p>Policy H2</p> <p>The City Council will seek the provision of affordable housing and mixed housing types and sizes on all appropriate sites, which will</p>	WS18

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
				<p>be related to housing need and will take account of prevailing market and site conditions.</p> <p>The exception to this general requirement is in respect of the following sites identified on the Proposals Map which will be expected to provide 30% affordable housing where each proposal exceeds 15 dwellings. The proposal shall also provide mixed tenure housing and at least 10% of the overall provision shall be 1 or 2 bedroom households:</p> <ul style="list-style-type: none"> • The Tannery, Canterbury • Housing land allocated or identified in a Development Brief in the Canterbury Regeneration Zones • BT Depot, Littlebourne Road, Canterbury • Northgate Garage, Canterbury • Castle Street Car Park, Canterbury • Hillborough Farm, Reculver Road, Herne Bay • Petrol filling station and nursery site, Eddington , Herne Bay • Herne Bay Station, Station Road, Herne Bay • Whitstable Station, Railway Avenue, Whitstable • Belmont Road, Whitstable • Golden Hill, Whitstable • Land opposite Chartham Mill, Chartham • Nunnery Fields, Canterbury 	

CHAPTER 3: Boosting Our Local Economy

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA3/001		3.27	Insert sentence at end of paragraph 3.27.	3.27 An area at Highland Court, Bekesbourne with Patribourne, is in existing employment use. This part of the District lacks an employment base and the City Council considers that it is important to make provision for one, while offering the opportunity for a small employment expansion within the overall complex to attract further investment and to enable employment land to be safeguarded. The site lies within the North Downs Area of Outstanding Natural Beauty (AONB), and the Highland Court Conservation Area.	PR19

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA3/002		3.29	Insert sentence at end of paragraph 3.29.	3.29 An expansion of employment land is therefore identified on the Proposals Map, on the basis that the site overall is improved in appearance and existing buildings are used more efficiently. As such, a Development Brief will be required as part of a proposal for the additional employment land, to incorporate the whole complex as part of a comprehensive scheme. This Brief shall include a landscaping strategy and comprehensive vehicle parking arrangements for the whole site.	PR19
FA3/003	ED3		Insert additional criteria at Policy ED3.	<p>Policy ED3</p> <p>Land at Highland Court is allocated on the Proposals Map for employment purposes, subject to the following criteria:</p> <p>(a) The whole site shall come forward as part of a comprehensive scheme, including proposals for refurbishing the existing buildings;</p> <p>(b) The proposals meet policy BE1 of the Local Plan on design; and</p> <p>(c) A Development Brief for the whole complex shall be required as part of development proposals for this site, incorporating a landscape strategy and comprehensive vehicle parking arrangements for the whole site.</p>	PR19

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA3/004		3.31	Insert additional text at paragraph 3.31.	<p>3.31 Any proposal on the site shall either reuse the existing buildings, or replace them with no net gain in building footprint. In view of the site's location within the Special Landscape Area and at the edge of the Kent Downs Area of Outstanding Natural Beauty (AONB), any proposal shall respect the intrinsic landscape value of the site and be subject to an agreed Development Brief.</p>	PR47
FA3/005	ED4		Insert additional criteria at Policy ED4.	<p>Policy ED4</p> <p>Land at St. Augustine's Hospital, as shown on the Proposals Map, is safeguarded for business and/or leisure development, where the primary use of the land shall be for employment purposes. The following criteria shall be met:</p> <p>(a) There shall be no increase in the building footprint; (b) The proposal shall be subject to a landscape assessment; (c) The proposal shall meet design and highway safety objectives; and (d) The proposal shall be in compliance with an agreed Development Brief for the site.</p>	PR47

CHAPTER 4: Improving the Quality of Life in our City and Town Centres

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA4/001	TC2a		Amend last sentence of first paragraph.	<p>Policy TC2a</p> <p>Within the town centres and their immediate surrounding areas the City Council considers there are opportunities to promote mixed-use development which will make a more efficient use of land and add to the attraction of the area. In addition to new sites coming forward in and around the town centres under Policy TC2, 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:</p>	PR12
FA4/002		Paragraph 4.13	Add the following text.	<p>4.13 It is good planning practice to promote mixed-use development in areas that are highly accessible by public transport and are close to other activities, uses, local services and facilities. In addition, mixed-use development in these locations makes a more efficient use of scarce land, adding more attraction to the town centre. The uses that would be appropriate as part of the development set out in Policy TC2a are indicative and not definitive. The Council's objective is to encourage mixed use development appropriate in and adjoining the town centres. This will ensure that housing growth is balanced by other forms of employment, education, commercial, cultural or social infrastructure growth.</p>	PR12

CHAPTER 5: Promoting our Countryside

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA5/001		5.36	Delete the text of paragraph 5.36 - 'on some small pockets of land'.	5.36 There are national and Kent Structure Plan policy objectives that restrain built development outside the urban areas and in the countryside. The City Council supports these objectives. The allocation of Green Gaps on some small pockets of land on the Proposals Map (see also Inserts 1, 3 & 5) supplements these national and strategic policy objectives.	PR4
FA5/002		5.39	Deleting the end of the third sentence of paragraph 5.39 - 'by a proliferation of Green Gaps'.	5.39 These areas are considered critical to the objective of retaining separate identities of settlements, and many of them have come under development pressure in the past, including proposals for isolated development, and may again in the future. Existing development constraint policies remain the most important means of countryside restraint and this will remain unchanged outside the urban areas. It is therefore important that there is not a perceived tiering of countryside protection by a proliferation of green gaps . This designation draws attention to specific areas where inappropriately located new development could lead to coalescence between settlements.	PR4
FA5/003	R7		Amend final sentence of Policy R7.	Policy R7 (Final Paragraph) Any related built development should satisfy criteria (a) and (b) above and be kept to a minimum necessary to supplement the open sports and recreation uses, and be sensitively located and of a high quality design.	PR4

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA5/004	R2		Amend Policy R2. The 'or' after criteria (a) of Policy R2 is an error.	<p>Policy R2</p> <p>The City Council will permit proposals for new agricultural buildings or development subject to the following criteria:</p> <p>a) It has been demonstrated to the satisfaction of the City Council, by means of a supporting statement, that there is an economic need for the development; or</p> <p>(b) The proposal is appropriate in its siting, scale, design, materials and use of colour;</p> <p>(c) Where existing buildings are of architectural or historic importance any extensions should respect their existing design and use of materials; and</p> <p>(d) There is no detrimental impact on landscape interests, protected species, sites or features of nature conservation interest or on sites of archaeological or historical importance.</p> <p>Where appropriate, new landscaping should be provided to further reduce the visual impact of the new building and this should reflect the character of the surrounding area.</p>	Countryside Core Proof and PR81

CHAPTER 6: Built and Natural Environments

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA6/001		6.29a	Amend paragraph 6.29a to insert text as follows. See also PC6/002.	6.29a To maintain the high quality of life for the District’s residents, workers and visitors, the City Council will ensure that proposed uses of land are compatible with adjacent uses. As such, developments that may give rise to noise and disturbance such as evening and late night opening, industrial uses or aircraft / helicopter noise and disturbance, will be considered carefully against Policy BE1. Any development that is likely to generate noise or be exposed to existing noise sources will be the subject of national guidance in PPG24 and Structure Plan Policy ENV20. Where the Council intends to grant permission for a development that may result in noise pollution, Policy C36 will be applied and appropriate conditions will be imposed to mitigate the harm that may be created.	PR8
FA6/002		6.50	Amend paragraph 6.50 (Amended following discussions with Dr. Kemp)	6.50 The City Council is carrying out a Lighting Strategy for public areas and buildings. However, lighting proposals can sometimes cause light pollution, with an adverse impact on the amenities of local residents. This light pollution can occur as ‘sky glow’, ‘glare’ or ‘light trespass’, which result in the orange glow visible around urban areas and the introduction of suburban character into rural areas; the uncomfortable brightness of a light source when viewed against the sky; and light spillage beyond the site where it is not desired or required. Therefore The Council will give favourable consideration to support those schemes that are well designed and enhance the urban fabric, are energy efficient and where there is no significant impact on the surrounding countryside, sites of nature conservation value and the	PR35

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
				amenity of local residents. In order to control the impact of lighting schemes, the standards set out in the Institute of Lighting Engineers' 'Guidance Notes For The Reduction Of Light Pollution' will be taken into account and the Council's Supplementary Planning Guidance on Outdoor Lighting will be applied.	
FA6/003		6.45	Amend paragraph 6.45 as follows.	6.45 Orientation - Important buildings and streets, points of arrival such as bus and railway stations, monuments, church spires, parks and rivers are all part of the rich urban scene that are less visible after dark. By promoting the illumination of these urban features, navigation and ease of use are increased. By promoting the Sensitive illumination of these urban features will be encouraged for navigation and ease of use are increased ² .	PR35
FA6/004		6.47	Amend paragraph 6.47 as follows:	6.47: Security - Good lighting has a positive impact on the use of CCTV and is can be a deterrent to crime against property and the person. In order to reduce light pollution and the creation of deeply shadowed areas which deter observation, care must be taken to avoid excessive or poorly directed lighting.	PR35
FA6/005		6.48	Amend paragraph 6.48 as follows:	6.48 Environment - Lighting requires energy. Other policies in the Plan seek to ensure that energy use is sustainable and it is the City Council's intention to promote the sustainable use of energy in outdoor lighting. In addition, light pollution can harm the character of the countryside, villages and in some cases urban areas, where dark night skies are an important part of the nocturnal landscape. Well-designed	PR35

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
				and appropriate outdoor lighting is important to protecting the nocturnal landscape.	
FA6/006		6.49	Amend paragraph 6.49. (Additional further amendment following discussions with Dr. Kemp)	6.49 Architectural Display - The architectural and urban quality of Whitstable, Herne Bay and Canterbury is a key element in generating and enhancing civic pride and in creating a sense of place. The illumination of buildings of architectural and historic interest is of value to tourism as well as providing amenity. It is essential that any such lighting scheme is well designed to minimise light spillage and distortion of architectural detailing.	PR35
FA6/007		To follow 6.50	Insert new paragraph to follow 6.50. (Additional further amendment following discussions with Dr. Kemp)	New Paragraph to follow 6.50: 6.50a Different development proposals, such as security or car park lighting or sports and recreational lighting warrant specific guidance and advice on appropriate lighting schemes. Supplementary planning guidance on outdoor lighting will provide such advice, together with general advice on external lighting techniques and pollution control. This should aid applicants satisfy the requirements of Policy BE2. Planning applications will also need to conform with Policy ENV 20 of the Kent Structure Plan and the guidance set out in ' <i>Kent Design, A Guide to Sustainable Development</i> '.	PR35

CHAPTER 7: Investing in our Community Infrastructure

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA7/001				Error See FA6/001	PR8
FA7/002		7.145	Amend paragraph 7.145 as follows: (Note: Includes amendment of text proposed by PC7/013).	7.145 On some occasions new development may cause noise pollution or be proposed near to an existing noise pollution source, for example, the use of aircraft / helicopters near to residential properties. The City Council will seek to ensure that adjoining uses are compatible as far as the potential for noise pollution is concerned, and this will be considered under Policy BE1 of this Plan and in accordance with guidance set out in PPG24: Planning and Noise and Policy ENV 20 of the Kent Structure Plan. Applicants may be required to submit a Noise Assessment and / or a Health Impact Assessment of the proposal to the Local Planning Authority’.	PR8
FA7/003			Insert new paragraph to follow paragraph 7.58:	7.58a Where a rural location is proposed for such informal facilities and the Council is satisfied that it has been demonstrated that there is no suitable land or buildings available within the community it intends to serve, the Council will support community initiatives which are appropriate in scale to their surroundings and which seek to reuse existing buildings. Where community uses are proposed in new buildings, the City Council will ensure that the new development is closely related to an existing settlement and not isolated in the open countryside so as to have an adverse impact on its character and appearance. The need for the development should be demonstrated in either case. The Council will have regard to the guidance of draft PPS7 and its final replacement.	PR15

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA7/004		7.134	Amend paragraph 7.134	7.134 Options for securing adequate water supply and environmental protection within the District include: increasing the yield of existing resources by removing distribution, treatment and other constraints; further progress with leakage control; demand management; water and effluent reuse; innovative solutions; water transfer; desalination; and reservoirs.	PR17
FA7/005		7.134	Insert new paragraph to follow 7.134. (Amended, as agreed at the inquiry)	New paragraph: 7.134a Major developments options, such as a reservoir at Broad Oak, that may be proposed for water supply purposes may have significant implications for the environment and potentially for nearby communities. It is expected that in advance of submitting a planning application for such developments, the scope and timescale of environmental assessment and/or assessment of impact on communities should be agreed with the City Council and other relevant bodies. Other information that may be required includes justification of need, location and choice of water supply options. This process will inform the content of any formal environmental impact assessment and ensure that the Council has the information it requires to assess the proposal at the planning application stage'.	PR17
FA7/006		7.119	Amend paragraph 7.119 as	7.119 Shown on the Proposals Map (see also Insets 3, 4, 5 & 6) are the areas the Environment Agency considers fall within the coastal floodplain, and are technically at risk of flooding. These areas are	PR6

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
			follows:	<p>indicative and should not be used as the sole basis of decisions. The Council also holds, or has access to, other detailed information relating to flood risk. Any detailed flood information held by the Council should also be taken into account in relation to development proposals, where flooding may be an issue. The Council takes the view that flood risk areas could also include land seaward of the coastal defences. Furthermore, these areas may change during the Plan period and the City Council recommends that the Environment Agency be contacted direct to ascertain whether a particular parcel of land or a building falls within an area at risk of flooding. The Environment Agency floodplain includes large parts of the urban areas of Whitstable, Herne Bay, Swalecliffe and Hampton plus swathes of rural land at Seasalter, Graveney and east of Reculver. The City Council remains firmly committed to minimising the risk of flooding to these urban areas through continual maintenance of sea defences and through seeking financial assistance from central Government.</p>	
FA7/007		Paragraph 7.124	Amend paragraph 7.124: as follows:	<p>7.124 The Proposals Map (see also Insets 1, 2, 4 & 5) also shows the areas the Environment Agency considers fall within the main river floodplains. These areas may also change during the Plan period and the Environment Agency should be contacted to ascertain whether land or buildings fall within an area at risk of flooding. The Environment Agency are making continual improvements to flood plain mapping and consult with City Council engineers to ensure accuracy.</p>	PR21 In response to request by inspector at inquiry

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA7/008		New Paragraph to follow 7.125	Insert new paragraph to follow paragraph 7.125.	<p>New Paragraph</p> <p>7.125a The City Council holds additional detailed information, such as shoreline management plans and coastal strategy plans which are available to the public. For information on individual properties, the public can contact Council engineers who will advise them of any available detailed information on flood risk'.</p>	<p>PR21</p> <p>In response to request by inspector at inquiry</p>
FA7/009		7.72	Amend paragraph 7.72	<p>7.72 Most secondary schools are located in Canterbury City. Secondary schools at Canterbury include: Simon Langton Girls' Grammar School, Simon Langton School for Boys', Archbishop's School, Barton Court Grammar School, Chaucer Technology School, Canterbury High School and St Ansel's Catholic School; and within the independent sector King's School, St Edmund's and Kent College. In addition in the state sector are Whitstable Community College, Herne Bay High School and Montgomery School located between Sturry and Hersden.</p>	<p>WS77</p>
FA7/10		7.73	Amend paragraph 7.73 as follows:	<p>7.73 All these education providers are encouraged to prepare a development plan for their sites for at least the period of the Local Plan, in consultation with the Local Education Authority and church education authorities as appropriate, and the City Council. This will enable proper consideration to be given to the most appropriate locations for any expansion or development within the site, and the issues arising.</p>	<p>WS77</p>

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA7/011	C27		Clarification of Policy C27	<p>Policy C27</p> <p>All development proposals within areas at risk of flooding or increased surface water run-off shall be subject to a Drainage Impact Assessment, including a flood risk assessment where relevant. This Assessment shall be in accordance with the principles of PPG25, Sustainable Drainage Systems (SUDS) and the Council's Guidance Note including the requirement for a contribution towards new flood defence or mitigation measures. Measures identified to mitigate effects shall be installed and maintained at their own expense.</p>	WS68
FA7/012	C20		Clarification of Policy C20	<p>Amend Policy C20 as follows:</p> <p>Proposals, which would result in the loss of protected existing open space as shown on the Proposals Map (all Insets), will only be permitted if:</p> <ul style="list-style-type: none"> (a) There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area; (b) The loss would be outweighed by the need for the development; and (c) There is no alternative site available to accommodate the proposed development and any harm that might result from the development could be offset by the provision of other open space of at least similar quality, size and character, 	WS17

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
				<p>nearby; and</p> <p>(d) The open space has been assessed as making no positive contribution to the Council's overall strategy on open space.</p>	
FA7/013		7.146	Amend paragraph 7.146 as follows:	Delete text 'Waste Regulation Authority' and replace with 'Waste Planning and Waste Disposal Authority'.	WS3.2

CHAPTER 8: Ensuring Implementation, Monitoring and Review

Further Amendment No.	Policy	Paragraph	Nature of amendment	Proposed wording	Proof Reference
FA8/001	IMP2		Insert additional text at Policy IMP2.	<p>Policy IMP2</p> <p>The City Council will seek through sums paid or other means set out in S106 of the Town and Country Planning Act 1990 contributions from developers that are necessary and directly relate in scale and kind to the development granted planning permission. Such contributions might relate to the provision of social, recreational or community facilities (including affordable housing, education, transport or utilities infrastructure), which may arise either at the development site, or at another suitable location elsewhere. A planning obligation will be sought or conditions imposed by the City Council to secure these contributions.</p>	PR72