

BOROUGH OF KETTERING

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| Report Originator | Head of Development Services | Fwd Plan Ref No: A18/018 | |
| Wards Affected | All | 19 September 2018 | |
| Title | SEATS ON STREETS: PROPOSED LOCAL DEVELOPMENT ORDER (LDO) | | |

1. PURPOSE OF REPORT

To inform Members of the Planning Policy Committee's recommendation on the Local Development Order: Seats on Streets (LDO), and seek any further comments ahead of a report for adoption at Full Council.

2. INFORMATION

- 2.1 On 25 September 2013, a Local Development Order (LDO) was adopted by Kettering Borough Council that meant a simplified procedure could be followed that would enable Kettering Town Centre restaurants / cafe's etc, to use (subject to certain conditions) part of the public realm / pavements for seating and tables associated with their businesses. This resulted in the automatic grant of planning permission for change of use of the highway for the placing of tables and chairs outdoors, with only an annual street café licence needing to be obtained by businesses.
- 2.2 This "Seats on Streets" LDO has been in use since it was adopted. However, this order was time limited and has now expired, which means that to continue with this system for new applicants, a new Order is required.
- 2.3 The "Seats on Streets" LDO seeks to deliver a 'Café Culture' which is one of the key aims of the Kettering Town Centre Area Action Plan. Seats on Streets is also identified as a short term project in the Kettering Town Centre Delivery Plan 2018 – 2025, which was approved by this Committee on 18th April 2018.
- 2.4 On 3rd July 2018, Members of Planning Committee endorsed the recommendation that an updated LDO be prepared and that it be subject to public consultation, before being presented to Full Council for adoption. This follows the same process previously undertaken, which includes taking account of feedback received through the consultation process.
- 2.5 The area of the Kettering Town Centre that the proposed LDO would cover is shown on the plan included in the draft LDO attached at **Appendix 1** of this report, which also includes details of the scope of the LDO and 9 conditional requirements which must be fulfilled in order to benefit from the LDO. The draft LDO area has been reduced compared to the original LDO to exclude areas where a street café license would typically not be granted, such as supermarkets

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(and associated car parks). It also excludes areas of the town which currently do not benefit from a predominance of qualifying uses (i.e. A3 – food and drink or C1 - hotels uses). The focus is therefore on the heart of the town centre and parts of the Purple Flag areas. Three new conditions are also proposed: to safeguard listed buildings and their settings; and provide highway safety / vehicle flows, and access by emergency vehicles. Two informatives are also proposed to clarify procedural issues. The Statement of Reasons for making the draft LDO (attached at **Appendix 2**) was also updated to reflect this approach and accord with changes in relevant guidance and planning policy. It is proposed that the lifetime of the draft LDO be made permanent, so that it does not expire unless otherwise formally withdrawn or amended. Full details are set out within the Statement of Reasons for Making the LDO (**Appendix 2**).

- 2.6 At the 12th September Planning Policy Committee Members were asked to note the comments received on the LDO consultation, and to agree officer responses to these comments. Members were also asked to endorse the updated draft LDO and Statement of Reasons for Making the LDO and to recommend the LDO to Full Council for adoption and the Statement of Reasons for Making the LDO to Full Council for agreement. An update on the outcome of this meeting will be provided at this committee meeting.
- 2.7 Executive Committee is a consultee in the preparation of the LDO and therefore, before the LDO is reported to Full Council, Members are asked if there are any further comments they would like to make on the LDO. These comments will be reported to Full Council when it considers the LDO.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 Public consultation on the LDO took place from Thursday 19th July to Friday 17th August 2018, and representations received were taken into account in the preparation of the final draft Local Development Order which was presented to Member of Planning Policy Committee on 12th September 2018. An update on the outcome of this committee will be provided at this meeting.
- 3.2 A total of 6 Statutory Consultees provided comments. No comments were received from third parties, and no objections were received. These representations, together with Kettering Borough Council's response to these representations, and updates to the draft LDO and Statement of Reasons for Making the LDO as a result of these representations, are detailed in Appendix 5 to the Planning Policy Committee Report referred to above. These comments were considered by Members at the meeting on 12th September 2018.

4. POLICY IMPLICATIONS

- 4.1 The proposal for the updated LDO in Kettering town centre is considered consistent with local planning policy as identified in the Kettering Town Centre

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Area Action Plan. In addition, Seats on Streets proposals which adversely affect a listed building or its setting are excluded from the LDO in accordance with the requirements of the Town and County Planning (Development Management Procedure) Order 2015. The proposed LDO will also support the viability and vitality of Kettering town centre, which is a core policy theme of the National Planning Policy Framework.

5. USE OF RESOURCES

5.1 The costs of running the public consultation and associated advertising, as well as other costs (e.g. annual monitoring of the LDO) have been met from existing Development Services budgets.

6. RECOMMENDATION

That Members:

- Note the update on the Local Development Order; and
- Provide any further comments on the LDO which will be reported to Full Council when it considers the adoption of the Local Development Order.

Previous Reports/Minutes:

Item 6. Planning Policy Committee 12th September 2018 – Seats on Streets: Proposed Local Development Order (LDO)

Item 6. Planning Committee 3rd July 2018 – Seats on Streets: Proposed Local Development Order (LDO)

Item 8. Full Council 25th September 2013 – Seats on Streets Local Development Order

Item 8. Planning Policy Committee 31st July 2013 – Seats on Streets Local Development Order

Contact Officer: Julia Baish – Development Team Leader (Planning Policy) or Mark Coleman – Development Officer