

BOROUGH OF KETTERING

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Report Originator	Peter Chaplin Development Manager	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	St Michaels's and Wicksteed; William Knibb; Northfield and All Saints	03 July 2018	
Title	Seats on Streets: Proposed Local Development Order (LDO)		

1. **PURPOSE OF REPORT**

To seek Members endorsement and recommendation that a new Local Development Order (LDO) be prepared, that it go through a consultation period/ be advertised and in due course is presented to Full Council for adoption.

2. **INFORMATION**

On 25 September 2013, a 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 so called "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.

If endorsed, a new Order would go through a similar process to the last one and would take account of feedback from the earlier Order. If required, other conditions could be proposed to address any concerns. Full details of what was previously agreed can be found in the appendices to this report. The area of the Town Centre that the LDO would be directed to is shown on the plan that forms a part of the appendices.

3. **OUTPUT AND PERFORMANCE MONITORING**

The previous Order removed the requirement to seek planning permission to place tables and chairs outside on the public highway for certain types of business where certain conditions were met. In doing so this has assisted in enlivening the town centre and has been a means of encouraging businesses and users to the central area. In regard to the Restaurant Quarter the possibility of some outside use would support the Council's continuing aspirations for this part of the town.

4. **CONSULTATION AND CUSTOMER IMPACT**

The process of consultation will pick up on any further issues that may be raised. Clearly there needs to be some control of this issue, but this can be covered through a simplified system. Aspects such as potential conflicts when other activities are planned for the Town Centresuch as the positioning of stalls on market days, can be

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considered and if necessary, conditions to address this included as part of a new Order. After the temporary period of the last Order, the intention will be to now seek a permanent arrangement.

5. **POLICY IMPLICATIONS**

The proposal for a new LDO in the Town Centre area would be consistent with local planning policy as identified in the Town Centre Area Action Plan and would support the vitality of the centre which is a core policy of the NPPF.

6. **FINANCIAL RESOURCE IMPLICATIONS**

The costs of going through the consultation and associated advertising, as well as other costs are to be met from existing budgets.

7. **HUMAN RESOURCE IMPLICATIONS**

Officer time and expertise will be required, plus proposals for Members to consider.

8. **LEGAL IMPLICATIONS:**

Legal advice confirms that the Council should follow the same procedure as before. Business that have previously taken advantage of the old LDO are unaffected by the need for a new one.

Any new applications for seats on streets would need to use the old system of first applying for planning permission and then to the Highway Authority for a licence, until a new LDO is in place.

RECOMMENDATION

That Committee endorse the recommendation for the Council to prepare for consultation a new draft LDO 'Seats on Streets' applicable within the area defined on the plan attached to the earlier order and to go through a similar process seeking adoption to that of the temporary order of 2013.

Background Papers:

Title of Document: LDO 2013

Planning Policy Committee 31/07/2013; Full Council 25/09/2013

Previous Reports/Minutes:

Ref: Planning Committee
Date: 17/07/2012;

Contact Officer: Peter Chaplin