

BOROUGH OF KETTERING

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Report Originator	Head of Development Services	Fwd Plan Ref No:	
Wards Affected	All	12 September 2018	
Title	SEATS ON STREETS: PROPOSED LOCAL DEVELOPMENT ORDER (LDO)		

1. PURPOSE OF REPORT

- To inform Members of the comments received to the Local Development Order consultation and to ask Members to agree Kettering Borough Council's responses to these comments; and
- To seek agreement that the Local Development Order: Seats on Streets (as amended) be recommended to Full Council for adoption and that the Statement of Reasons for Making the Local Development Order be recommended to Full Council for agreement.

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. A copy of the Northamptonshire County Council Street Café Licence Highway Authority conditions and Street Café License Application Form are attached at **Appendix 1** of this report.
- 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.
- 2.2 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 Executive Committee on 18th April 2018.
- 2.3 On 3rd July 2018, Members of Planning Committee endorsed the recommendation that an updated LDO be prepared and that it go through a consultation period, before being presented to Members of Full Council for adoption. This follows the same process previously undertaken, which takes account of feedback received through a public consultation process. A copy of

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the original LDO is attached at **Appendix 2**. Full details were provided to Members of the Planning Committee, and can inspected through the report and minutes dated 3rd July 2018, listed at the end of this report.

- 2.4 The area of Kettering Town Centre that the proposed LDO would cover is shown on the plan included in the draft LDO attached at **Appendix 3** of this report. This 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 area to exclude areas where a street café license would typically not be granted, such as supermarkets (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 - hotel uses). The focus is therefore on the heart of the town centre and parts of the Purple Flag areas falling within this area. Three new conditions are also proposed to safeguard listed buildings and their settings, and 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 4**) 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 4**).
- 2.5 Members are asked to agree the proposed officer responses to the consultation set out at **Appendix 5**, endorse the updated LDO and Statement of Reasons for Making the LDO, and agree that the updated LDO (**Appendix 3**) is recommended to Full Council for adoption and that the updated Statement of Reasons for Making the LDO (**Appendix 4**) is recommended to Full Council for agreement.
- 2.6 The Executive Committee is a consultee in the preparation of the LDO. Executive Committee has indicated that it is supportive of the Seats on Streets concept through its support for the inclusion of this project in the Town Centre Delivery Plan, however the LDO will be reported to Executive Committee to invite further comment prior to the LDO being considered by Full Council; any comments made by Executive Committee will be reported to Full Council.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 Public consultation commenced on Thursday 19th July through to Friday 17th August 2018, and comprised of the following components:
- Public notice displayed at 12 locations within the LDO area giving 29 days to make representation;
 - Public Notice given through local advertisement within the Northamptonshire Evening Telegraph, giving 29 days to make representation;

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- Copy of the Public Notice sent to owners of properties located within and adjacent to the proposed draft LDO area;
- Copy of the Public Notice, draft LDO and Statement of reasons for making the LDO sent to all statutory consultees and other consultees;
- Copy of the Public Notice, draft LDO and Statement of reasons for making the LDO was made available on the Kettering Borough Council website through the Council's consultation portal inviting formal comment;
- The public consultation period and consultation portal was promoted through the Council's social media feeds for the duration of the consultation period;
- Copy of the Public Notice, draft LDO and Statement of reasons for making the LDO were made available for inspection under Part 3 of the Planning Register at the Municipal Offices of Kettering Borough Council;

3.2 The public consultation resulted in the receipt of 6 representations from Statutory Consultees. No comments were received from third parties, and no objections were received. A copy of the comments received and a proposed response to these comments is attached at **Appendix 5**. The amendments proposed have been incorporated into the draft Local Development Order (**Appendix 3**) and Statement of Reasons for Making the Local Development Order (**Appendix 4**).

4. POLICY IMPLICATIONS

4.1 The proposal for the updated LDO in the town centre area would be consistent with local planning policy as identified in the Kettering Town Centre Area Action Plan adopted July 2011. 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 would 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

The costs of going through 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.

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6. RECOMMENDATION

That Members:

- Note the representations received on the LDO through the public consultation and agree the responses to these representations attached at **Appendix 5**;
- Endorse the draft LDO attached at **Appendix 3** and the Statement of Reasons for Making the LDO attached at **Appendix 4**;
- Note that the LDO will be reported to Executive for further comment; and
- Agree that the LDO is recommended to Full Council for adoption and the Statement of Reasons for Making the LDO is recommended to Full Council for agreement.

Previous Reports/Minutes:

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

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