

BOROUGH OF KETTERING

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| Report Originator | Head of Development Services | Fwd Plan Ref No: - | |
| Wards Affected | All | 26 th September 2018 | |
| Title | SEATS ON STREETS: LOCAL DEVELOPMENT ORDER | | |

Portfolio Holder: Councillor Ian Jelley

1. PURPOSE OF REPORT

To ask that the Local Development Order: Seats on Streets (as amended) be adopted and that the Statement of Reasons for Making the Local Development Order be agreed.

2. INFORMATION

- 2.1 On 25th 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 Licence 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 for this practice to continue, a new Order is required.
- 2.3 On 3rd July 2018, Members of Planning Committee endorsed the recommendation that an updated LDO be prepared and that it be subject to consultation, before being presented to Full Council for adoption. This follows the same process previously undertaken, which asks that Members take account of feedback received through a public consultation process. A copy of the original LDO is attached at **Appendix 2**.
- 2.4 The area of Kettering town centre that the updated LDO would cover is shown on the plan included in the draft LDO attached at **Appendix 3**. 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 licence would typically not be granted, such as at supermarkets (and associated car parks). It also excludes areas of the town centre which currently do not benefit from a predominance of qualifying uses (i.e. A3 – food and drink or C1 hotel

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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 LDO (attached at **Appendix 4**) has also been updated to reflect this approach, and accord with changes in relevant guidance and planning policy. It is proposed that the lifetime of the 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**).

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 Public consultation commenced on Thursday 19th July through to Friday 17th August 2018, and representation received was taken into account in the preparation of the final draft Local Development Order, which was endorsed by Members of Planning Policy Committee on 12th September 2018.
- 3.2 The key issues raised through the public consultation, which informed the final draft Local Development Order, are set out in the Planning Policy Committee paper for 12th September 2018. A total of six 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 at Appendix 5 to the Planning Policy Committee Report referred to above. These comments contributed to changes to the LDO, which were subsequently agreed by Members at the meeting on 12th September 2018.
- 3.3 Members of the Planning Policy Committee also endorsed the recommendation to report the draft LDO to Members of the Executive Committee for further comment, before recommending the draft LDO and Statement of Reasons for Making the LDO to Full Council for adoption. Due to the close scheduling of the Executive Meeting (19th September 2018), and this Full Council meeting, comments from the Executive Committee will be reported to Members through an update to this report.

4. POLICY IMPLICATIONS

- 4.1 The LDO will give certain planning uses permitted development rights, which will support the aims of the Kettering Town Centre Area Action Plan and the Purple Flag Area to encourage the development of a café culture and evening economy, which will attract and benefit visitors to the town so that they are able to enjoy food and drink whilst seated outdoors. This will add to the viability and vitality of Kettering town centre in accordance with the National Planning Policy Framework and Development Plan policies.

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5. FINANCIAL RESOURCE IMPLICATIONS

- 5.1 There may be a slight loss of income to the Council in terms of planning fees by negating the requirement for planning permission. However, the degree of lost planning fee is not likely to be significant, and this action will help to strengthen the offer within the town centre and implement a progressive approach to planning, advocated by national planning policy.
- 5.2 Prior to the adoption of the previous LDO which has now expired, officer time was spent attempting to help businesses achieve outdoor seating by guiding them through the complex system of permissions and licences. The adoption of this LDO should make it easier for suitable premises to find ways to enhance the offer for their customers.

6. RECOMMENDATION

That Members adopt the draft Seats on Streets Local Development Order attached at **Appendix 3** and agree the Statement of Reasons for Making the LDO attached at **Appendix 4** to this report.

Previous Reports/Minutes:

Item 13, Executive Committee 19th September 2018 - Seats on Streets: Proposed Local Development Order (LDO)

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

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