

**Appendix 1:**  
**Local Development Order:**  
**Kettering Town Centre - Seats on Streets**

June 2013

## **1. Introduction**

1.1 Kettering Borough Council (KBC) is keen to encourage the development of a café culture with visitors to the town able to enjoy food and drink whilst seated outdoors. Appropriately placed seats on streets can add vibrancy, activity and vitality to public areas and encourage people to visit and spend time in the town centre. Outdoor seating is encouraged in the Kettering Town Centre Area Action Plan.

1.2 This Local Development Order (LDO) removes the requirement for planning permission to place tables and chairs outside on the public highway, for certain types of business and where certain conditions are met. This removes the current requirement for dual permissions and mean only a Street Café Licence from Northamptonshire County Council (NCC) would be required.

## **2. Local Development Order**

2.1 Within Kettering Town Centre (as defined in Map 1 and in the Kettering Town Centre Area Action Plan) planning permission will be granted for outdoor tables and chairs, for the consumption of food and drink, to be placed on the public highway where the lawful use of the premises is within the following use class orders:

- A3 (restaurants, cafes, coffee shops, snack bars)
- C1 (hotels)

2.2 Planning permission for the establishment of outdoor tables and chairs within the LDO area is granted subject to the following conditions:

1. Before the development commences a Street Café Licence must be obtained from Northamptonshire County Council Highway Authority, and the requirements and conditions of this licence fully complied with.
2. No permanent fixtures or installation constituting development is associated with the proposal.
3. All items placed on the highway must be removable and taken in at the close of trading each day.
4. The design of the outdoor seating area, including barriers, furniture and materials used, must be of high quality and appropriate to the character of the area and to the Conservation Area, where appropriate.
5. Advertisements or branding on barriers or parasols will be limited to discrete corporate branding showing only the name of the establishment and/or logo, in accordance with NCC guidance. Any other forms of advertising may require advertisement consent and advice from KBC should be sought.
6. The proposal must make a positive contribution to the street scene, enhance the character of the town centre and suitably maintain residential amenity and public health and safety.

## **3. Future arrangements for outdoor seating**

3.1 Proposals for outdoor seating which meet the above requirements would only need to apply for a Street Café Licence from Northamptonshire County Council. This licence requires applicants to supply information covering:

- Visual impact – furniture; parasols; barriers and means of enclosure etc.
- Storage of furniture and items
- Layout – including necessary pavement clearances
- Hygiene, amenity and public health
- Management
- Advertising

3.2 The process for applying for outdoor seating following the adoption of the LDO is as follows:

- Contact KBC's Development Services for informal advice and gets a named point of contact.
- Prepare your application for a Street Café Licence to NCC.
- Share this information with your KBC point of contact.
- If the proposal is satisfactory and in accordance with conditions 2-6 (above), a statement will be provided stating that planning permission is not required for the outdoor seating and that the proposal is supported. This statement should then be included in your application to NCC.
- Make your application for a Street Café Licence from NCC.
- Your point of contact can continue to support your application, including liaising with NCC if necessary.

3.3 There would be no charge from Kettering Borough Council for this service.

3.4 Finally, if alcohol is to be consumed in the outdoor seating area, an Alcohol Licence would be required from Kettering Borough Council's Environmental Health Service.

#### **4. Lifetime of the LDO and options following its expiry**

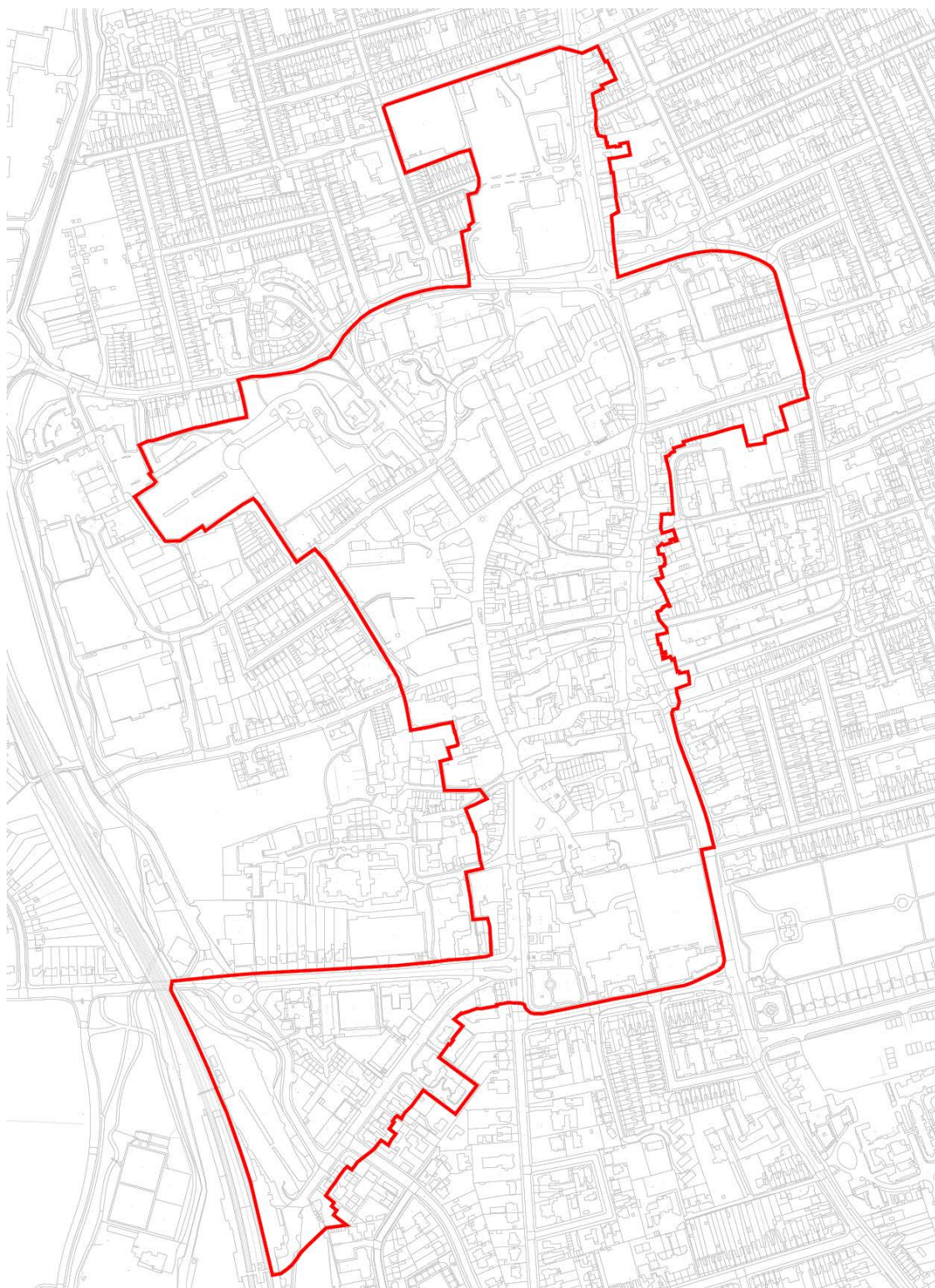
4.1 The LDO and the terms within it would be in force for a period of three years from the date of adoption, and expire following this period.

4.2 The following options would be available following its expiry:

- (a) Renew with no revisions
- (b) Renew with new terms and conditions
- (c) Revoke

4.3 Development which has started under the provision of the LDO would be allowed to be completed in the event that the LDO is revoked or revised.

# Map 1: Area of Coverage for the Local Development Order



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## Appendix 2: Northamptonshire County Council Street Café Licence Conditions



Northamptonshire County Council

### STREET CAFE LICENCES

#### Highway Authority conditions

##### 1. INTRODUCTION

Applications for street café licences on public highway pavements will only be considered by Northamptonshire County Council, as the highway authority, for areas immediately fronting a permanent premise. The County Council may grant a street café licence in accordance with Section 115E of the Highways Act 1980 which will be issued yearly to run from the 1<sup>st</sup> April to 31<sup>st</sup> March. This note and conditions will apply as far as The County Council, as the Highway Authority, views are concerned.

Planning Permission and/or listed building consent, if required, must be obtained before any café licence can be issued by the County Council.

##### 2. THE VISUAL IMPACT

The positioning of tables and chairs outside your premises should relate to the existing street-scene and movement of pedestrians. Ideally it should be seen as an integral part of the main café rather than an unrelated after-thought.

**Tables and chairs** need to be selected to ensure...  
the comfort of your customers  
that you can store them securely on your premises  
that their visual impact is in keeping with the area  
they are easy to clean, and are kept clean

Domestic patio-style furniture is unlikely to be of sufficient standard to compliment the appearance of Town Centres or Conservation Areas where cast iron furniture may be specified.

You also need to have regard to the surface on which the furniture will stand. An uneven cobbled surface may require a more sturdy style of furniture than an even one. The following examples may help your choice of furniture.

**Parasols** may be needed...  
for hygiene  
where tables are under trees  
where birds may cause nuisance  
for shade for customers

Parasols made of wood and canvas are likely to be more acceptable than garden style umbrellas. They must be firmly secured.

**Barriers and Means of Enclosure** may be required for any furniture sited outside your premises. This is primarily to guide the visually impaired.

These need to be about 1000mm in height with no more than 150mm between the base rail and the ground. They must be able to resist pedestrian collision e.g. by fixing to substantial planters or being temporarily fixed to the ground during opening hours. All items including planters must be removed when closed. They also need to be in keeping with the visual appearance of the area. Designs for all items must be agreed.

#### **Ideal barriers**

**Stable and sturdy**, not flimsy; but light in weight (for ease of movement / storage as they will be taken in and out each day)

**Light in colour** (painted, natural colouring or similar) - a contrast to the café furniture

**Close textured**, fence like in appearance, with a tapping rail (i.e. a length of wood positioned at the base of the barrier, designed to assist the visually impaired).

#### **Barrier designs not to be used**

**Post and Chain barriers** - potentially hazardous to pedestrians, particularly the visually impaired

**Hoop top garden fencing** - too flimsy and not very tall posing a serious trip-hazard

**The use of a variety of small plant tubs** – untidy and inadequate as a means of enclosure or guide for the visually impaired.

### **3. STORAGE OF FURNITURE AND BARRIERS**

Pavement café furniture **must not** be stored on the highway when the premises are closed. When premises are open, tables, chairs and barriers must be either fully set up ready for use **or** stored within the premises. The latter is preferred when it is not intended or practical to use these tables.

Tables, chairs, parasols and means of enclosure should be removed and securely stored inside your shop premises. In order to facilitate this, none of the furniture or barriers can be permanently fixed to the ground.

### **4. LAYOUTS**

Where pavement cafés are to be located on a main pedestrian thoroughfare, tables and chairs may be required to be enclosed in order to allow for easy pedestrian movement and to contain the pavement café area. Spacing should allow for wheelchair and pram access, and adequate emergency service and Highway Authority access must be permitted at all times. The following guidelines need to be taken into account.

#### **Café Furniture directly fronting the shop front**

Normally a corridor of 1.8m minimum width must be provided to the shop entrance - this should remain unobstructed at all times.

A physical barrier may be needed either side of the area of tables and chairs to serve as a guide to the visually impaired. If chairs and tables spill out then a barrier may be needed in front of them. A minimum of 1.8m width of footway (preferably 2.4m, especially on a Category 1 footway) must remain available to passing pedestrians (taking into account telephone boxes, street lights etc.).

#### **Café furniture sited away from the shop front**

You should leave no less than 1.8m width (preferably 2.4m, especially on a Category 1 footway) of unobstructed footway between the front of your premises and the outer-most boundary of the street café.

The tables and chairs may need to be enclosed by physical barriers in order to act as a guide for the visually impaired.

Where vehicles are alongside, you must maintain 0.5m clearance.

### **Café furniture and existing features**

Where possible, you should take advantage of the existing structures within the street scene, e.g. planters and other landscaping features, when setting out your tables and chairs. In some cases, you may not need to erect barriers.

Where vehicles are alongside 0.5m clearance must be maintained

Requirements may vary from one café to another so applicants must agree details with the Highway Authority.

### **5. HYGIENE, AMENITY AND PUBLIC HEALTH**

- a) The defined area and the area between the premises and the furniture must be kept free of litter.
- b) Spillage of any kind must be removed immediately and the surface washed if necessary.
- c) All tables and chairs and the outdoor area must be regularly cleaned, and food debris and waste must be removed immediately.
- d) There must be no excessive levels of noise, disturbance, smell, or other nuisances.
- e) Amplified Music will not be permitted.

### **6. MANAGEMENT AND OTHER ISSUES**

- a) Where table service operates within the premises, it must be extended to cover the street café area.
- b) The area must be maintained to a high standard at all times.
- c) All trays, crockery and utensils, take-away packaging and any other litter must be removed at regular and frequent intervals.
- d) The furniture must be kept clean and in a good state of repair to the satisfaction of the Council.
- e) If the Highway Authority's property is damaged or defaced as a result of the street café, the café owner shall be responsible for the cost of repairs which shall be carried out by the Highway Authority.
- f) There shall be no use made of any street furniture, trees etc for any purpose whatsoever in connection with the café.
- g) Where drinks are served in glasses these should be made from **polycarbonate safety glass**.
- h) No patio heaters will be permitted on the highway.
- i) If the street café is to be used for the drinking of alcoholic beverages the applicant is required to consult with the local Licencing Authority concerning the drinking of alcoholic beverages on the highway.
- j) You must inform the local Planning Authority so that they can decide whether you require Planning Permission in order to operate a café on the highway.
- k) The Highway Authority shall be indemnified against all claims, injuries or accidents whatsoever and the applicant shall provide evidence of public liability insurance providing cover up to £5,000,000 for any one incident.
- l) The Highway Authority reserves the right to give notice to remove all items associated with the street café at any time for highway improvements, highway maintenance purposes, or for any purpose concerning the public highway.

### **7. ADVERTISING**

Where the café furniture is sited away from the shop frontage a discreet statement of "Café" or the café's name e.g. "Café de Paris" in letters no more than 100 mm high may be permitted at one or two locations on the barrier to clarify the intended purpose.

No other advertising will normally be permitted on the furniture, parasols or barriers. Planning permission and/or controlled advertisement consent may be required and there may be additional fees for this.

**You must check first with the District/Borough Council.**

## **8. SUBMITTING THE APPLICATION AND WHAT HAPPENS NEXT**

All applications must be accompanied by the following...

- a) An accurate (OS base) plan outlining the application site in red and land in the applicant's ownership in blue (1:1250 or 1:500 scale plan as appropriate).
- b) A site plan of at least 1:200 showing the precise location and proposed setting out of the tables and chairs.
- c) The replies from the local Planning Authority:-
  1. concerning planning permission;
  2. listed building consent, if applicable;
  3. controlled advertisement consent, if applicable;
- d) Proof of public liability insurance cover up to £5,000,000 for any one incident.
- e) Full details of the tables and chairs, barriers and parasols proposed.
- f) Full details of the envisaged use.
- g) Replies from consulting with the:-
  1. police;
  2. local Licencing Authority if the area is envisaged for the drinking of alcohol;
  3. local Town or Parish Council, if one exists;

Note: there is an annual fee of **£175** payable at the time of the issuing of the licence.

Note: any permission is NOT transferable to new owners. A new application has to be made if the business is sold etc.

Please note that if the permission is refused, you will be given seven days notice to stop operating the street café. Any cost you may incur if you begin operating based on the above letter of authorisation, before the matter can be formally considered, is entirely at your own risk.