

Appendix 5 - Planning Policy Committee Meeting 12th September 2018 - Local Development Order: Seats on Streets

Public Consultation Comments and Proposed Kettering Borough Council Responses

Consultee	Their Representation	Kettering Borough Council's Proposed Response
Historic England	<p>...The proposed LDO area has been carefully drawn to exclude the most sensitive heritage assets in the town centre, including the Grade I church of Saints Peter & Paul, the Grade II* Manor House museum, the Grade II* almshouses and the Grade II Alfred East Art Gallery and Library.</p> <p>There is a list of conditions attached to the LDO (section 2.2 conditions a-h) which is comprehensive and addresses heritage concerns. Condition b) stipulates that there will be no permanent fixtures or installation constituting development. Condition d) stipulates that the design must be of high quality and appropriate to the character of the Conservation Area. Condition f) stipulates that the proposal must make a positive contribution to the street scene and enhance the character of the town centre. Condition g) stipulates that the proposal will not occupy land where it will adversely affect a listed building or its curtilage.</p> <p>Overall, the conditions highlighted above and the exclusion of the most sensitive listed buildings from the LDO area are welcomed. However, the Borough Council will need to continue advising on the proposals and monitoring implementation to ensure that the conditions are being met. References to 'English Heritage' should be amended to 'Historic England' throughout within section 7.2 of the Statement of Reasons for Making the Draft LDO...</p>	<p>The comments are noted, and amendments to section 7.2 of the Statement of Reasons for Making the Local Development Order will be updated to make reference to 'Historic England' in place of 'English Heritage'</p>

<p>Northamptonshire County Council Highways</p>	<p>...Please note that the public highway is usually the carriageway and footway but to be certain of the actual extents, the applicant should obtain and supply a copy of the Highway Extents plan available at their own cost from NCC Land Charges.</p> <p>It must be minded that any street café on highway land still maintains Highway Rights as the precedent. Should the Highways Department or any utility company require access to the land, their needs are paramount and may not be obstructed by the café.</p> <p>Furniture and planters must be temporary and able to be removed each and every night to ensure that the highway is maintained clear.</p> <p>A minimum width of 2m public footway must be maintained whilst the café is in operation, this will inevitable exclude many areas of town being able to carry a street café as the footways are at most this minimum width.</p> <p>It must be stressed that a license does not obviate Highway Rights and the land on which the license applies does not alter land ownership or Highway Rights...</p>	<p>Noted. The minimum public footway clearance width and requirement to remove street café paraphernalia at the end of each day shall inform an update to condition (h) of the LDO as set out below:</p> <p><i>“Condition (h) The proposal will not occupy land falling within the carriageway where there could be an adverse impact on highway safety or cause obstruction to the flow of traffic and vehicular movements. In addition, in all instances a pedestrian footway clearance of 2 metres shall be maintained within the public footway whilst the street café seating area is in operation. All associated furniture, barriers and planters must be temporary and able to be removed each and every night to ensure that clear access and use of the public highway is maintained.”</i></p> <p>Issues raised which relate to highway rights and confirmation of carriageway/footway extent will be addressed in the final LDO by way of informatives as set out below:</p>
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<p>Northamptonshire County Council Highways <i>(continued)</i></p>		<p><i>“(a) Any street café on highway land still maintains Highway Rights as the precedent. Should the Northamptonshire County Council Highways Department or any utility company require access to the land, their needs are paramount and may not be obstructed by the street café. A street café license does not obviate Highway Rights and the land on which the license applies does not alter land ownership or Highway Rights.”</i></p> <p><i>“(b) Prior to the submission of any Street Café License, Northamptonshire County Council Highway Authority recommends that all applicants should establish the extent of the carriageway and footway by obtaining a copy of the Highway Extents plan from NCC Land Charges, to ensure encroachment of the carriageway does not occur. This plan should be supplied with any subsequent street café license applications. There may be an additional charge for this service.”</i></p>
<p>Northamptonshire Fire and</p>	<p>The only comment from the Fire Service is that a clear access</p>	<p>Noted. The minimum specified</p>

Rescue Service	space of no less than 3.7M in width should be maintained to allow access for the appliances, as recommended in Approved Document B	<p>access space width clearance required will be secured by a condition (i) of the Local Development Order as set out below:</p> <p><i>“Condition (i) A clear vehicular access space to land/buildings of no less than 3.7 metres width shall be maintained for emergency service appliances, as recommended by Approved Fire Safety: Document B of the Building Regulations 2010 (or any successor to this document).”</i></p>
Highways England	Highways England has no comments to make regarding this consultation.	Noted
Environment Agency	... We have inspected the information provided, and have no comments to make in respect of the proposed LDO, as submitted...	Noted
Kettering Borough Council, Environmental Health	<p>...One comment – re para 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.</p> <p>Consumption is not licensable but there may be licensing implications about on sales, off sales and what needs to be done with any licence.</p> <p>Can I suggest that this reads <i>“if the business intends to</i></p>	The proposed wording for paragraph 3.4 is noted and considered appropriate in order to signpost applicants to the relevant licensing body. The LDO will be amended accordingly using the quoted wording received through this representation.

	<p><i>supply or sell alcohol for consumption within the outdoor seating area then please contact the Northamptonshire Licensing Unit on 01832 742102, licensingunit@east-northamptonshire.gov.uk or www.northantslicensing.gov.uk to discuss any potential licensing implications under the Licensing Act 2003.</i></p>	
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