

**Appendix 2 - Full Council Meeting 26th September 2018 - Local Development
Order: Seats on Streets**

**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

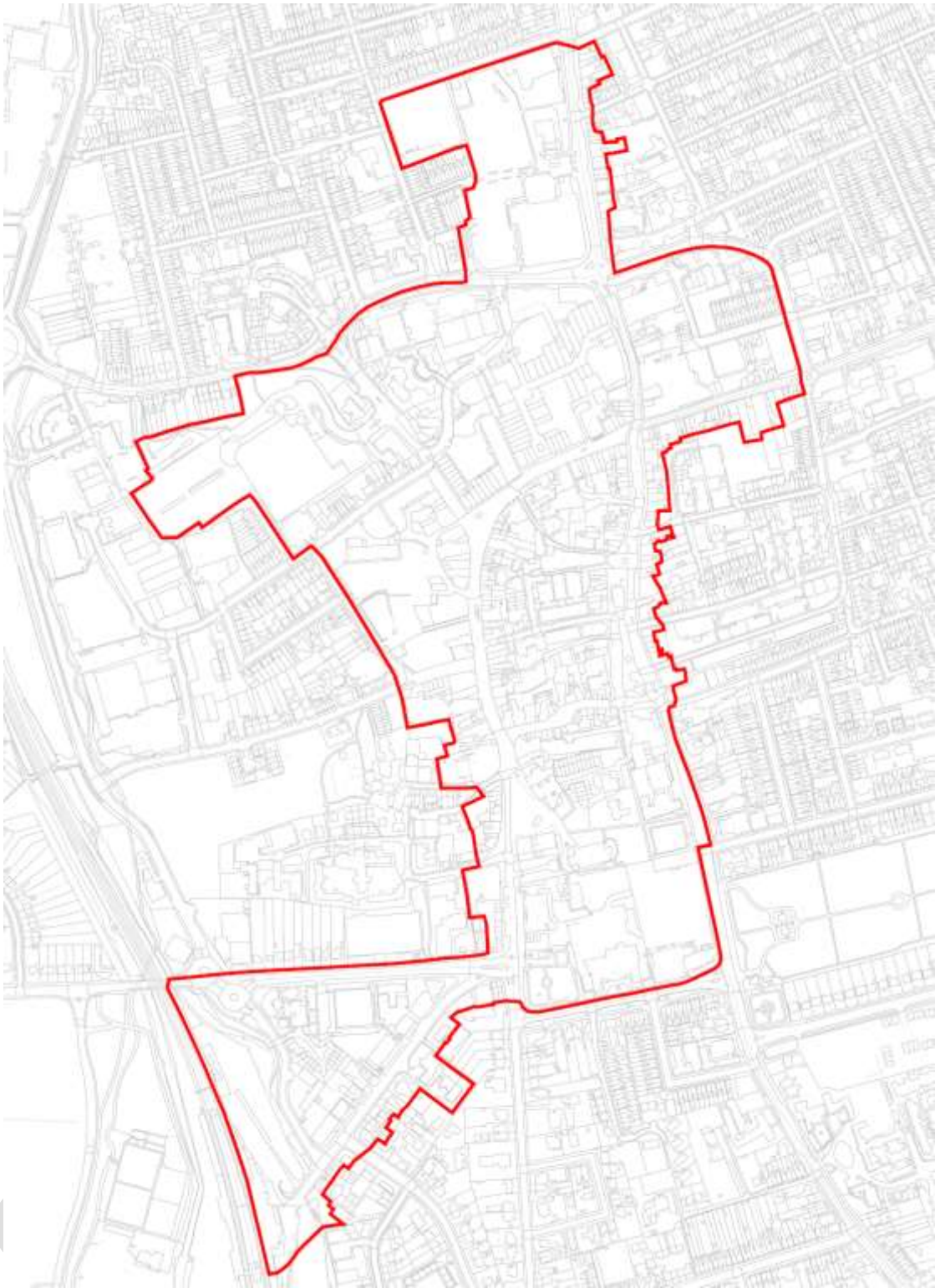
4.1 The LDO and the terms within it would be in force for a period of three years from the date of adoption, and expire following this period.

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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ORIGINAL LDO (2013)