

## **Appendix 3 – Full Council Meeting 26<sup>th</sup> September 2018 - Local Development Order: Seats on Streets**

### **Local Development Order:**

#### **Kettering Town Centre - Seats on Streets**

**July 2018**

### **1. Introduction**

1.1 Kettering Borough Council (KBC) is keen to encourage the development of a café culture, in order to enable visitors to the town 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 (KTCAAP).

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 would mean that only a Street Café Licence from Northamptonshire County Council (NCC) would be required by qualifying businesses located within the LDO area.

### **2. Local Development Order**

2.1 Within parts of Kettering Town Centre shown on *Plan 1: Area of Coverage for the Local Development Order* attached to this draft LDO and within the Statement of Reasons for making the Order, planning permission will be granted for the placing of tables and chairs outdoors on the public highway adjacent to premises for their sole use for the consumption of food and drink, where the lawful use of those premises falls within the following use class categories of the Town and Country (Use Classes) Order 1987 (as amended):

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

#### **2.2 Conditions**

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

- a) Before the development commences a Street Café Licence must be obtained from Northamptonshire County Council Highway Authority (NCC), and the requirements and conditions of this licence fully complied with.
- b) No permanent fixtures or installation constituting development is associated with the proposal.

- c) All items placed on the highway must be removable and taken in at the close of trading each day.
- d) 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.
- e) 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.
- f) 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.
- g) The proposal will not occupy land where it will adversely affect a listed building or its curtilage as designated under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 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, as required by Northamptonshire Highways Authority. 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) 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).

## **2.4 Informatives**

2.5 The following informatives should be read in conjunction with the other terms and conditions of this Local Development Order.

- 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 licence does not obviate Highway Rights and the land on which the licence applies does not alter land ownership or Highway Rights.
- b) Prior to the submission of any Street Café Licence, 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 licence applications. There may be an additional charge for this service.

### **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 NCC. This licence requires applicants to supply information covering:

- Visual impact – furniture; parasols; barriers and means of enclosure etc.
- Storage of furniture and barriers
- 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 obtain a named point of contact.
- Prepare your application for a Street Café Licence to NCC.
- Share this information with your KBC point of contact, together with information to demonstrate compliance with the LDO conditions (a-h) listed in paragraph 2.2 and 2.3 (above).
- If the proposal is satisfactory and in accordance with the LDO conditions (a-h) listed in paragraph 2.2 and 2.3 (above), a statement will be provided by Kettering Borough Council 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.

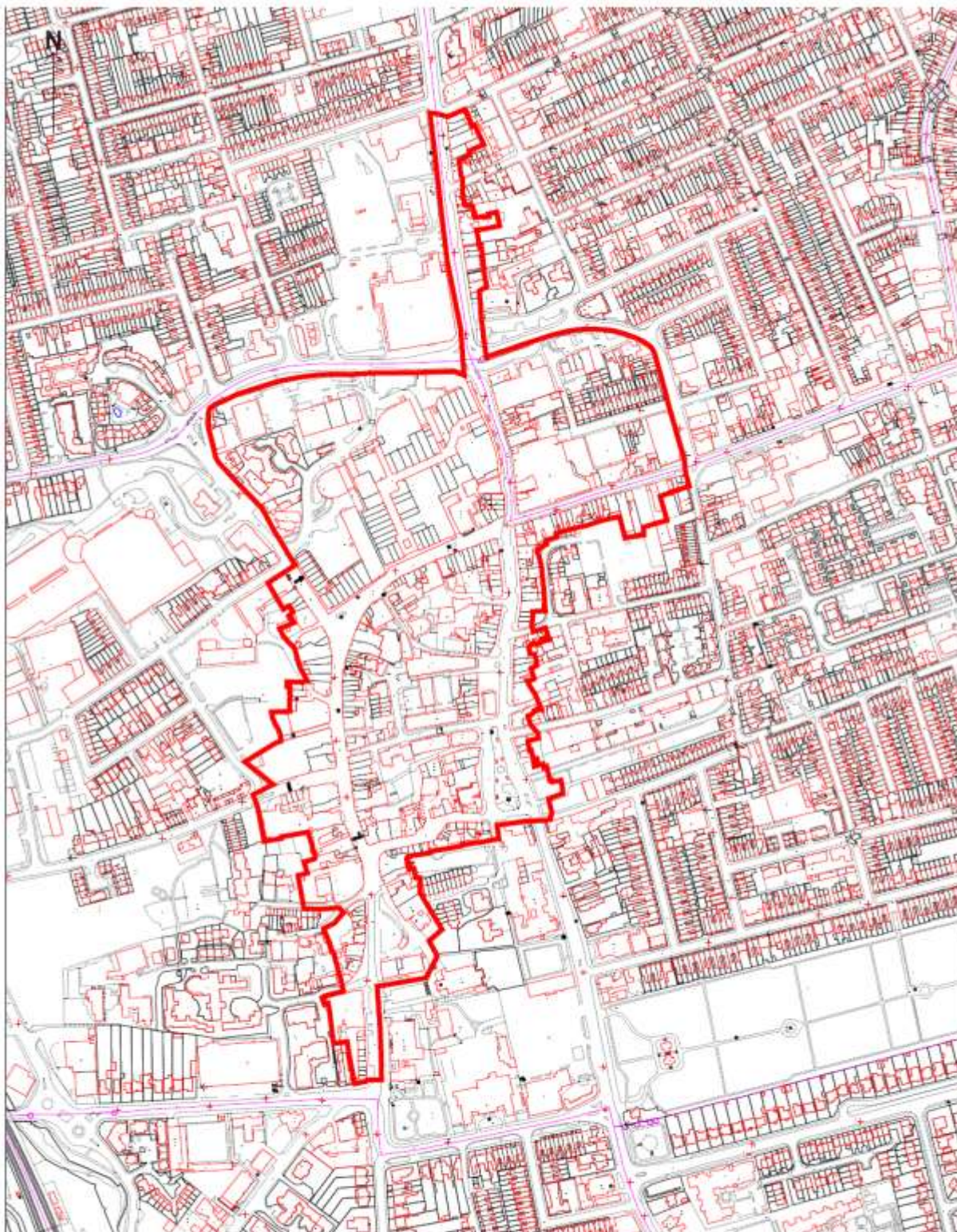
3.3 There would be no charge from Kettering Borough Council for this service.

3.4 If the business intends to 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](mailto:licensingunit@east-northamptonshire.gov.uk) or [www.northantslicensing.gov.uk](http://www.northantslicensing.gov.uk) to discuss any potential licensing implications under the Licensing Act 2003.

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

- 4.1 The LDO and the terms within it would be in force indefinitely from the date of adoption, and would continue with no end date unless formally revoked or amended.
- 4.2 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.



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