Development Control
Planning Department
PO Box 532
Town Hall
Manchester
M60 2LA

By planning portal
10 August 2016 let.001.VS.VS.25260001

Dear Sir / Madam

PROPOSED OUTDOOR SEATING AREA AT SOLITA RESTAURANT, 37 TURNER STREET, MANCHESTER M4 1DW

On behalf of our client S+L Pogson LLP, Indigo Planning submit a planning application, retrospectively, for outdoor seating to serve the Solita restaurant at 37 Turner Street.

Planning permission is sought for:

> *Retrospective change of use of pavement area adjacent to Solita Restaurant and public realm across Turner Street to outside seating area for the use of Solita patrons.*

The application submission includes:

- Planning application form;
- Notice under Article 14;
- Planning Statement (contained within this letter);
- Operating Statement;
- Site location plan;
- Existing and proposed site layout plans;
- Risk assessment abstract; and
- Greater Manchester Police Consult Lite.

An application fee of £385 has been paid to Manchester City Council directly by the client.

Background

Solita restaurant is located within the Northern Quarter, a Conservation and mixed use area with a range of ground floor retail and leisure uses. The restaurant has been operating as an independent business since July 2011 and has been using the larger outdoor seating area since July 2013.

In 2013, Solita was approached by CityCo to utilise the space to address anti-social behaviour which was occurring in this space and having a negative impact on local businesses and residents.

Prior to 2013 the area was a public space including bench seating and planters provided by Manchester City Council. The area was cobbled. A mature Silver Birch tree and two NCP signs for the neighbouring Northern Quarter car park were on site and remain so. The seating area immediately adjacent to the restaurant for four tables and eight chairs was in use during this time.

Originally, Solita built a deck on the area to be used for outdoor seating for the restaurant, however, following advice from Environmental Health, the decking was removed and the floor paved to prevent potential issues with rodents.



Photo 1: Paved Outdoor Seating Area

During the time that the seating area has been in use, Solita have received no complaints and have a risk assessment showing that there is a low risk associated with the use. The enclosed email chain from Greater Manchester Police shows that they have no concerns over the use of the outdoor seating area and support this application.

Proposal

Permission is sought to regularise the change of use of 56sqm of pavement and public realm to an outdoor seating area for Solita Restaurant. The space has been in use for three years and comprises two areas; an area on the opposite side of Turner Street to the restaurant (51sqm); the other smaller area is pavement space adjacent to the existing restaurant (4.5sqm).



Photo 2: Seating adjacent to Solita Restaurant



Photo 3: Left: Area across Turner Street. Centre: Turner Street looking west. Right: Solita and outdoor seating area.

The Silver Birch tree and NCP car park signs remain on site and are not obstructed by the outdoor seating area.

There are 15 tables and 40 chairs, in total, within the seating areas; four tables and eight chairs are provided adjacent to the restaurant with the remaining 11 tables and 32 chairs within the larger seating area across Turner Street. No barrier is provided between the seating area and pavement space on the land adjacent to the restaurant (as seen on the photos 2 and 3).

The outdoor seating areas are used between the hours of 12pm and 10pm Monday to Sunday. Outside of these hours patrons of the restaurant are not able to sit outside. The tables and chairs are stored within the restaurant when not in use.

No external lighting, canopies or outdoor speakers are proposed through the application. The only permanent structure is the perimeter balustrade. The metal balustrade also has a number of rail mounted planters along it, improving the street scene.



Photo 4: Larger seating area from the east



Photo 5: Larger seating area from the south

A 2m width of pavement is maintained for safe pedestrian access when the outdoor seating areas are in use. This 2m width will remain free from obstruction for the use of pedestrians. This can be seen on the submitted plans, this is in line with advice from Manchester City Council.

Planning policy

The use is a city centre use which accords with planning policy C1 of the Manchester Core Strategy which seeks to maintain leisure uses within the city centre.

The proposal also accords with policy C10 of the Core Strategy which encourages evening uses within the city centre. The outdoor seating area contributes to the vitality and quality of the area by improving the appearance and reducing anti-social behaviour through positive use of the public realm in a supervised manner. The policy highlights the need for areas to remain balanced, and this application strengthens the existing use of the site as a restaurant whilst upper floor office use remains.

Policy CC4 – Tourism, Culture and Leisure supports the outdoor seating area as it improves the aesthetics of the local area and reduces the opportunity for anti-social behaviour through managing the space, and so attracts local people

as well as tourists to the area.

In line with Policy CC7 – Mixed use development, the outdoor seating area encourages active ground floors and efficient use of land. The restaurant use is in keeping with other nearby uses, and by using the public realm for active use, it enlivens the area increasing vibrancy.

Policy DM1 – Development Management is adhered to through this application as the positive use provides day and evening activity but ceases by 10pm to protect residential amenity.

Saved Unitary Development Plan Policy RC20 Area 4 encourages mixed uses and maintaining active street frontages. This is achieved through the outdoor seating area which has been a positive impact on the street and contributes to the vitality of the restaurant and area.

Conservation Area

The site is located in the Smithfield Conservation Area, with the nearest listed building immediately adjacent to the restaurant. Due to the industrial nature of the buildings and its use, the proposal does not have an adverse impact on the character and setting of this building.

In line with policies CC9 and EN3, the conservation area is improved by the outdoor seating areas which enhances the character of the area by providing railing mounted planters and creating a vibrant and attractive street frontage.

Amenity

The outdoor seating area is not used after 10pm in order to protect amenity of nearby residents on upper floors of buildings and surroundings.

Staff are employed to ensure the safety and security of those in the outdoor seating area and are suitably trained to ensure that there is no risk to patrons or general public safety.

A risk assessment for the area, carried out by Solita for health and safety purposes, has found that there is a low level of risk associated with the outdoor seating area.

The attached operating statement demonstrates that the outdoor seating area is tightly managed by Solita staff. The restaurant has an agreement with neighbouring The Abel Heywood whose door staff monitor the outside seating area and assist Solita staff, if required. The area is overlooked by CCTV from Solita and nearby properties. As discussed below, Greater Manchester Police support the outdoor seating area.

Refuse arising from the site is collected, sorted and stored with existing refuse from the restaurant. There is separate provision for both general waste and recycling.

There have been no complaints with regards to the use of the area for outdoor seating during the time Solita has been in use and therefore the management in place is effective.

Crime

Advice from Greater Manchester Police (GMP) was sought prior to the submission of this planning application. The details of this advice are submitted with this application for reference. GMP is supportive of the scheme provided that the provisions within their "outside dining area" document are met.

As a result, no crime impact assessment is required.

Conclusion

Planning permission is sought to formalise the use of pavement space on both sides of Turner Street for outdoor seating for use by Solita restaurant patrons. Outdoor seating has been on site for the last three years and no complaints have been received.

The two outdoor seating areas accord with policy, and are located in an area where leisure is the predominant use and have a positive impact on the area. Use of the outdoor seating area ceases at 10pm Monday to Sunday to protect the residential amenity. No objections have been received. A 2m width of pavement is maintained at all times at the seating area to ensure the general public can still pass the areas safely.

The outdoor seating areas support a local business and maintain the employment of staff at Solita. The public realm is improved through the positive use of an area which previously caused anti-social behaviour.

A risk assessment by Solita Restaurant and consultation with Greater Manchester Police have found that the outdoor seating can be operated safely.

For the reasons set out above we trust the Council can support the scheme.

We trust that the above is acceptable and we await confirmation of the validation of the application.

Yours faithfully



Victoria Snaith

Enc: As Listed
cc: S+L Pogson LLP