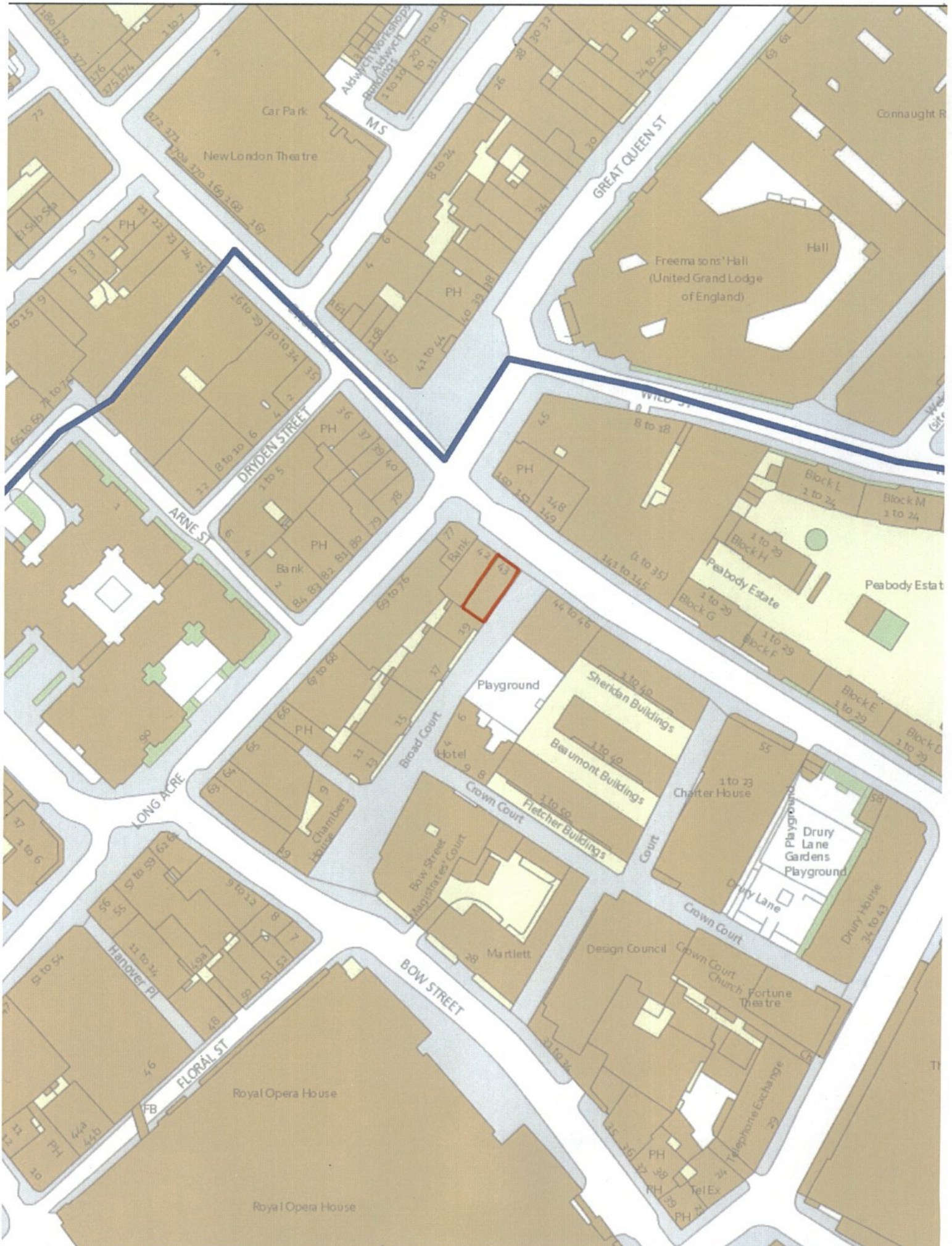


<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>43 Drury Lane, London, WC2B 5RT</b>		
<b>Proposal</b>	Use of an area of the public highway measuring 2.5m x 7.5m for the placing of four tables, eight chairs, two parasols and four planters in connection with the adjacent ground floor restaurant unit (Class A3).		
<b>Agent</b>	GL Hearn		
<b>On behalf of</b>	Barrafina Ltd		
<b>Registered Number</b>	15/04293/TCH	<b>TP / PP No</b>	TP/8841
<b>Date of Application</b>	14.05.2015	<b>Date amended/ completed</b>	21.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Grade II Listed Building		
<b>Conservation Area</b>	Covent Garden		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





43 DRURY LANE, WC2

## 2. SUMMARY

This application relates to Barrafina, a restaurant on the western side of Drury Lane on the corner with the pedestrianised Broad Court. The building is Grade II listed and lies within the Covent Garden Conservation Area. Permission is sought for the placement of four tables and eight chairs, two parasols and for planters on Broad Court in connection with the restaurant.

Permission was originally sought for eight tables and 16 chairs with a terminal hour of midnight. This was considered excessive by officers and the applicant has agreed to amend the proposal reducing to four tables and eight chairs with a terminal hour of 22.00 daily.

Objections have been received from the Covent Garden Community Association and Covent Garden Area Trust on the grounds that the tables and chairs could cause noise nuisance and highway obstruction. Objections have also been received from two neighbouring residents within 44 Drury Lane opposite the site on grounds of noise, smells and smoke from the outdoor seating.

Planning permission was refused in 2012 for the installation of two awnings to the Broad Court elevation and use of an area of Broad Court for the placing of eight tables and 23 chairs. The grounds for refusal were the design and location of the awnings and the potential noise from outside diners and the impact upon residents of Broad Court and 141-152 Drury Lane.

Whilst an application for a greater number of tables and chairs has been refused on amenity grounds, it must be acknowledged that permission has also been granted for tables and chairs in this location in 2001, 2002 and 2003. It should also be noted that at the southern end of Broad Court there are permitted tables and chairs serving a restaurant which is located below residential flats and no record of complaints can be found.

It is common in the Covent Garden area and throughout the city for external tables and chairs to be located in close proximity to residential properties. On balance, given that the permission would be granted for a temporary one year period, enabling any future applications to be reviewed, it is considered that four tables and eight chairs between the hours of 10.00-22.00 would not be so harmful to neighbouring residents to justify refusing the permission. Subject to conditions, the proposals are considered acceptable and comply with Policies ENV 13 and S28.

The proposals would leave a width of 5.5m free for pedestrians and is considered acceptable in terms of highways safety. In design terms, the proposed furniture including parasols and planters are considered acceptable in appearance and will not harm the character and appearance of the Covent Garden Conservation Area. Accordingly, the application is recommended for approval.

## 3. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION

Objection raised on the grounds that the tables and chairs are opposite residential properties and could cause noise nuisance. The Association draws attention to an application for tables and chairs in the same location, which was refused in 2011.

### COVENT GARDEN AREA TRUST

Objection raised on the grounds that the tables and chairs are opposite residential properties and could cause noise nuisance. The Trust draws attention to an application for tables and chairs in the same location, which was refused in 2011.

**HIGHWAYS PLANNING MANAGER**

In principle no objection to the siting of tables and chairs is made. It is, however, noted that should 44 Drury Lane wish for tables and chairs on Broad Court, then this could lead to more than half of the passage through the shared street being used for commercial activities which would be contrary to the Westminster Way.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 35; Total No. of Replies: 1.

One objection received from a resident, endorsing the comments raised by the CGCA.

ADVERTISEMENT/SITE NOTICE: Yes.

**RECONSULTATION FOLLOWING REVISIONS:****COVENT GARDEN COMMUNITY ASSOCIATION**

Objection to the tables and chairs is still maintained. Comment also made that the revised plans appear to show an openable shopfront which is unacceptable in design terms.

**COVENT GARDEN AREA TRUST**

Objection to the tables and chairs is still maintained. Comment also made that the revised plans appear to show an openable shopfront which is unacceptable in design terms.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 1; Total No. of Replies: 2.

Two objections received on the grounds of noise from the outside seating in relation to residential windows.

**BACKGROUND PAPERS**

1. Application form.
2. Memorandum from Highways Planning Manager dated 24 June 2015.
3. Letters from Covent Garden Community Association dated 29 June 2015 and 31 July 2015.
4. Letters from Covent Garden Area Trust received 3 July 2015 and 31 July 2015.
5. Letters from owner/occupier of Flat 6, 44 Drury Lane dated 2 July 2015 and 1 August 2015.
6. Letter from owner/occupier of Flat 14, 44 Drury Lane dated 1 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 43 Drury Lane, London, WC2B 5RT

**Proposal:** Use of an area of the public highway measuring 2.5m x 7.5m for the placing of four tables, eight chairs, two parasols and four planters in connection with the adjacent ground floor restaurant unit (Class A3).

**Plan Nos:** BF.D157 P B; BF.D 158 P C; Site location plan; photomontage Planning, Design and Access Statement dated 14 May 2015; Email from Catherine L'Estrange dated 22 July 2015.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**Recommended Condition(s) and Reason(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing BF.D157 P B and BF.D 158 P C. (C25AA)

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 12.00 and 22.00 Monday to Sunday.

**Reason:**

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the restaurant at 43 Drury Lane. (C25CA)

**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 This use of the pavement may continue until 31 August 2016. You must then remove the tables and chairs. (C25DA)

**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

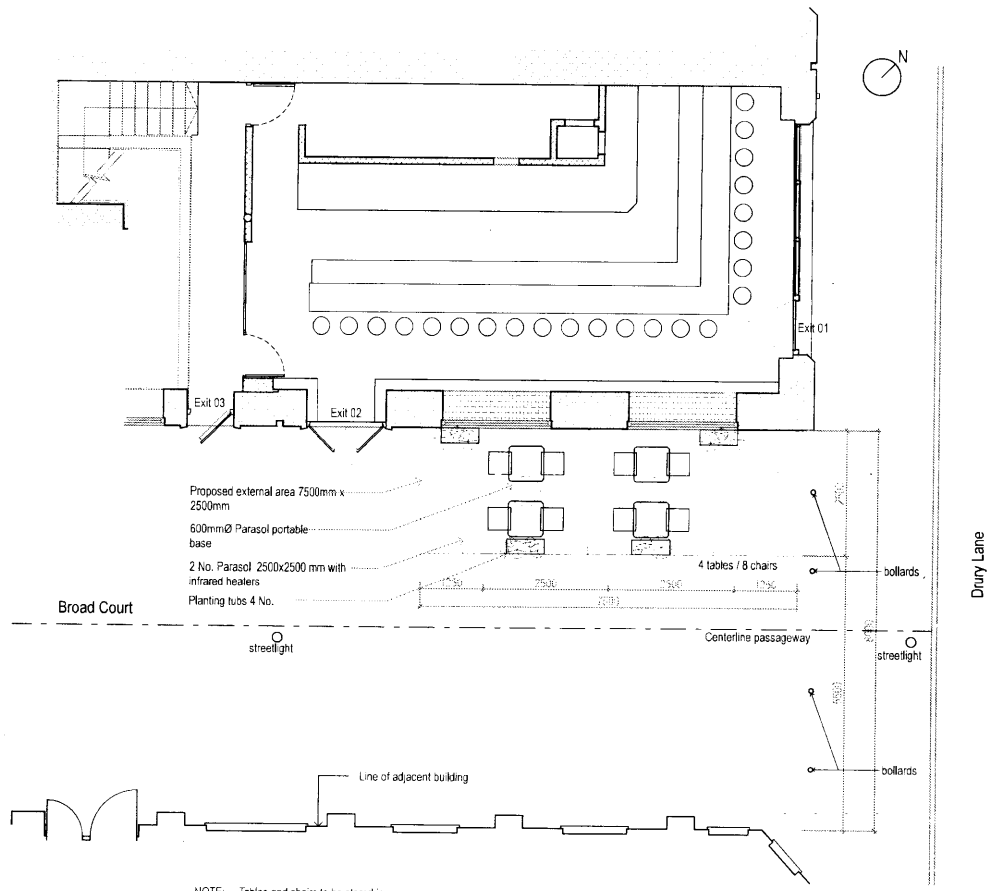
- 6 You can only put out on the pavement the tables, chairs and other furniture/equipment shown on drawing BF.D157 P B; BF.D 158 P C and photomontage.

**Reason:**

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence.
- If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.
- Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are reminded that the planters and umbrellas must be removed each night along with the table and chairs.
- 5 For the avoidance of doubt this permission only relates to the proposals set out in the description of development and does not allow for alterations to the shopfront.



NOTE: Tables and chairs to be stored in Restaurant overnight



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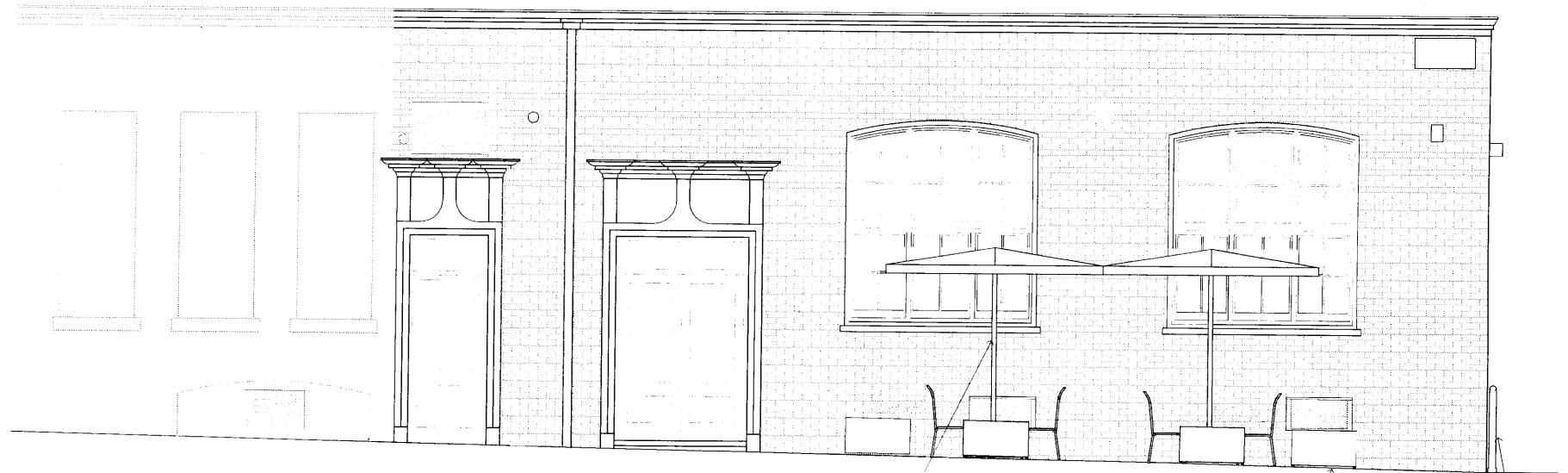
Rev	Date	Notes	Rev	Date	Notes
A	23/04/2015	Planning Application			
B	22/07/2015	Planning Application - Revised table and chair numbers			

Project  
**Barrafina Drury Lane**  
 43 Drury Lane, London

Scale	Date	Drawing name
1:100@A3	July 2015	Proposed External Seating Area Plan

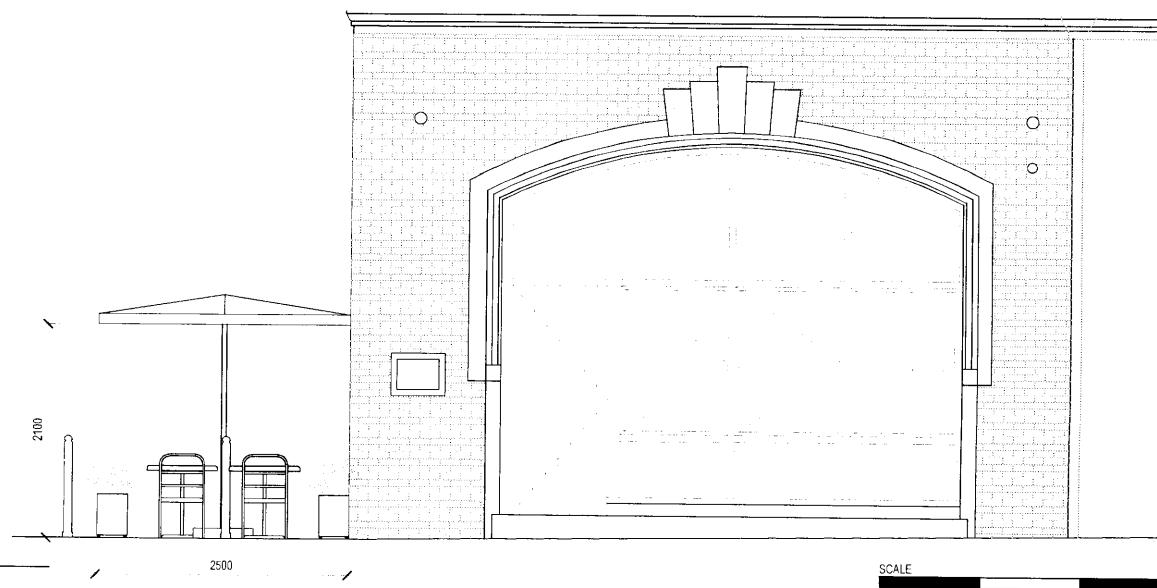
Drawing number	Revision
B.F.D 157 P	B





1 Proposed Broad Court Elevation  
1:50

2 No. Parasol 2500x2500mm with infrared heaters  
7500  
Proposed external area 2500mm x 7500mm  
Planting tubs 4 No.  
Bollard



2 Proposed Drury Lane Elevation  
1:50

SCALE 0 1 2 5 Meters

**ama**  
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Rev	Date	Notes	Rev	Date	Notes
A	24/04/2015	Planning Application Issue			
B	14/05/2015	Planning Application Issue			
C	22/07/2015	Planning Application Issue - Revised table and chair numbers			

Project  
**Barrafina Drury Lane**  
43 Drury Lane, London

Scale	Date	Drawing number	Revision
1:50 @ A3	July 2015	BF.D 158 P	C
Drawing name			
Proposed External Seating Area Elevations			