

Meeting:	Development Control Committee
Date:	25 th January 2007
Subject:	Raw Lasan, 154 Stanmore Hill, Stanmore
Key Decision: (Executive-side only)	No
Responsible Officer:	Group Manager, Planning and Development
Portfolio Holder:	Planning, Development and Housing
Exempt:	No
Enclosures:	Site plan

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report has been brought to the committee at the request of the Portfolio Holder for Planning, Development and Housing. Members are requested to note the contents of the report, which outlines a number of enforcement matters currently being investigated by the Council in respect of the premises known as Raw Lasan, 154 Stanmore Hill, Stanmore.

RECOMMENDATION:

That Members note the contents of this report.

SECTION 2 - REPORT

2.1 The site that is the subject of this report, 154 Stanmore Hill, Stanmore Latimer Gardens, Pinner, consists of a detached two-storey building used as a restaurant set within a fair sized plot, incorporating a car park and beer garden, located on northern corner of the junction of Stanmore Hill and Little Common, within a predominantly residential area.

2.2 The site was used for many years as a public house called The Vine, but in 2006 was renamed Raw Lasan and is lawfully (in planning terms) in use as a restaurant (Class A3).

The site and much of the surrounding area (particularly to the south and west) fall within the Little Common Conservation Area, which was designated in 1970 and subsequently extended in 1987 and 2002.

2.3 In October 2003 planning permission was granted (application ref. P/1906/03/CFU) for the conversion of an existing barn and garage within the curtilage of the site to letting rooms ancillary to the lawful A3 use of the site.

2.4 In June 2006, the Planning Enforcement and Environmental Health Departments of the Council received a number of complaints relating to the provision of decking in the rear garden of the site, and the installation of an extractor system, without the benefit of planning permission.

2.5 A subsequent enforcement investigation established that an area of timber decking, approximately 9.7 metres wide by 4.7 metres deep and approximately 0.2 metres above ground level, had been installed close to the northern boundary of the curtilage of the site. An extractor system had also been installed without the benefit of planning permission.

2.6 In an attempt to regularise these breaches of planning control, in July 2006 a planning application (ref. P/2149/06/CCO) was received seeking the retention of the extractor unit and the timber decking, but during the determination of this application the timber decking was omitted from the application.

2.7 In November 2006, planning permission was granted for the extractor unit, subject to two restrictive conditions, as set out below:

'The extractor unit hereby permitted shall be used and thereafter retained so as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

Unless within one month of the date of this permission details of external cladding to the approved extractor unit and a scheme to screen the unit is submitted to, and approved in writing by, the local planning authority the air extractor unit shall be removed. The development shall be carried out in accordance with the approved details within one month of the date of the approval of details and shall thereafter be retained.

2.8 Details have subsequently been submitted to the Council relating to cladding and screening and these details have been approved. A Hygiene Improvement Notice under the Food Hygiene (England) Regulations 2006 was served on 9th January 2007 by the Community Safety Section, requiring the installation of a suitable and sufficient extract system, i.e. the one that was granted planning permission.

2.9 At the time of writing the approved extractor unit is being implemented and the site is being regularly monitored by the Council to ensure compliance with both the Hygiene Improvement Notice and the relevant planning permission.

- 2.10 With regards to the timber decking, recent correspondence with the owners of the site has established that in their minds there is doubt as to whether or not planning permission is required for the timber decking. In the opinion of the Council, planning permission is required for this decking as it constitutes development under Section 55 of the Town and Country Planning Act 1990 (as amended) and the site does not benefit from permitted development rights.
- 2.11 Accordingly the Council intends to formally respond to the owners of the site to confirm this, and request for action to be taken without further delay to either remove the unauthorised decking or by submitting a retrospective application for its retention. If no such action is taken the Council will then consider the expediency of taking enforcement action to secure the removal of the unauthorised decking.
- 2.12 Concern has recently been expressed regarding the provision of 'outside catering' facilities by the owners of the site. Given the limited time available to prepare this report an detailed investigation of the nature of such facilities has not been able to take place. However, during a telephone conversation with the owners of the site they indicated that 'outside catering' means that on an infrequent basis they provide food, equipment for small private gatherings /functions at people's houses etc.
- 2.13 In planning terms, the use of premises as the base for a catering company (including food production) falls within Use Class B2 (general industrial). Therefore, for enforcement action to be taken, the Council would need to be able to argue that the level of the 'outside catering' being provided goes beyond what could be argued as being ancillary to the lawful restaurant use, and has resulted in a mixed use incorporating Class A3 and Class B2 uses.

- 2.14 To be in a position to argue such a contention the Council will need to carry out a thorough investigation and collate as much evidence as possible. It must be noted however that in planning terms if the 'outside catering' happens on a small, infrequent basis, it is likely to be considered as ancillary to the lawful restaurant use of the premises.
- 2.15 Furthermore, even if the Council did conclude that a breach of planning control had occurred, in assessing the expediency of taking formal enforcement action the Council would have to consider the fallback position – i.e. that in planning terms the site could be used as a restaurant 24 hours a day 7 days a week, and therefore whether the use of the site for 'outside catering' as well as a restaurant would lead to conditions worse than those resulting from the lawful use of the site.
- 2.16 It is therefore proposed at this stage to monitor the various matters relating to the site with a view to, if necessary, bringing these matters back to the Committee for consideration as to the expediency of taking formal enforcement action.
- 2.17 There are no cost or financial implications at this stage and it is proposed to monitor the items identified in this report.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input type="checkbox"/> Name:.....Anil Nagpal..... Date:25 January 2007.....
Monitoring Officer	<input type="checkbox"/> Name:David Galpin..... Date:25 January 2007.....

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Adam Beamish (adam.beamish@harrow.gov.uk) tel. 0208 7366160

Background Papers

- Relevant planning and enforcement file.

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO
3.	Manifesto Pledge Reference Number	