
BREACH OF PLANNING CONTROL AT MADRAS AND SPICE, 200 MAIN ROAD, HAWKWELL, ESSEX.

1 SUMMARY

- 1.1 The Acting Head of Planning Services reports the use of the above site for the sale of food for consumption off the premises, that is a take-away service, in breach of Condition 2 of approved application ROC907/86.
- 1.2 The above premises, previously known as Mamma Mia's Italian Restaurant, were recently altered to a Tandoori Restaurant and from that time numerous complaints have been made to this office regarding the operation of a take-away service in breach of the above condition. The reason for the condition is stated as being *"In the interests of local amenity and highway safety having regard to the location of the premises and the indiscriminate casual parking a take-away service would generate in both Hawkwell Park Drive and Main Road."*
- 1.3 The proprietor has been notified both verbally and in writing of the existence of the condition and of the implications should he continue to breach the condition. This authority is aware that such a service is now continuing and, as such, authority is sought to take appropriate action as necessary. The Council's approach on these matters needs to be consistent and appropriate to the breach of control under consideration.
- 1.4 Essex Structure Plan Policy T4 states that proposed developments may be considered in relation to their effects on highway safety, inconvenience to traffic and effects on the transport system. Such circumstances can be identified to exist in this instance. It is therefore considered expedient to take enforcement action to secure the cessation of the sale of hot food for consumption off the premises on the grounds of serious adverse affects of traffic hazards and inconvenience to other road users. Furthermore the operation of such a service is considered to be detrimental to the general amenity of neighbouring residential properties.

2 ENVIRONMENTAL IMPLICATIONS

- 2.1 As set out above.

3 FINANCIAL/RESOURCE IMPLICATIONS

- 3.1 There are no direct implications for the Local Planning Authority arising from this matter other than the normal resource implications in consequence of the recommendation

4 LEGAL IMPLICATIONS

- 4.1 Any action considered necessary through the Courts to remedy the breach.

5 PARISH IMPLICATIONS

- 5.1 The site lies within the Parish of Hawkwell

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES:**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach of planning control now reported. (AHPS)

Shaun Scrutton
Acting Head of Planning Services

For further information please contact Richard Evans on (01702) 318095