

BREACH OF PLANNING CONTROL AT TASTE OF RAJ, 8 EAST STREET, ROCHFORD

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the breach of planning control at the Taste of Raj Restaurant, 8 East Street, Rochford, where takeaway meals are being served contrary to condition 2 attached to planning permission 01/00540/FUL.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 THE ENFORCEMENT CASE

- 2.1 Members approved enforcement action at this site in March 2000 for the same breach. However, since this date there has been a planning application (reference 01/00540/FUL) and permission was granted for a delivery service, but not a takeaway service.
- 2.2 Investigations have revealed that the operators are openly flouting this condition. Flyers have been distributed to local properties and officers have been able to purchase takeaway meals without problems. The operators have declared on a Planning Contravention Notice that they are operating a takeaway service, but they claim that this is limited in extent.
- 2.3 This matter has been the subject of complaints relating to the loss of residential amenity, the highway implications and concerns over competitiveness from other takeaway operators.

3 LEGAL IMPLICATIONS

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

4 OTHER ITEMS

- 4.1 The adjacent property (The Great Wall, 6 East Street, Rochford) has been the subject of parallel enforcement action and the owners are subject to a Breach of Condition Notice, prohibiting the operation of a takeaway use.

5 RECOMMENDATION

5.1 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. (HPS)

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