

BREACH OF PLANNING CONTROL AT 'CHARCOAL GRILL', 32 SPA ROAD, HOCKLEY, ESSEX.

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the sale of food from the premises, outside the hours specified within Condition 5 of approved application, CU/0387/95/ROC.
- 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 INTRODUCTION

- 2.1 This breach is occurring within the centre of Hockley in an area allocated "Prime Shopping Area" in the Rochford District Local Plan First Review, which is adjacent to existing residential areas.

3 PLANNING HISTORY OF THE SITE

- 3.1 Planning Permission was approved on 7 September 1995 for the change of use from Class A1 Retail to Class A3 Food and Drink. Condition 5 stated; "The premises shall not operate outside the hours of 8.00 am to 12.00 pm, Monday to Saturday and 9.00 am to 11.30 pm on Sundays." The reason for this condition was in the interests of the amenity of nearby residential properties.
- 3.2 A subsequent application, F/0370/97/ROC, sought to extend opening hours to after 2400 (12 midnight) to 0230 (2.30 am), Friday and Saturday and after 2330 (11.30 pm to 2400 (12 midnight), Sunday. This was refused permission in August 1997 for the following reasons;
 - 1) "If permitted, the extended hours proposed would provide a specific focus not only for the return of extended late night attendance of this area by local persons, but will inevitably attract again additional persons from outside of the area using the access roads through surrounding residential areas either by foot or by vehicle. This results in unacceptable intrusion upon the amenity of the wider area, which includes residential properties, by virtue of the noise of their general attendance, eg, cars arriving and departing, car doors banging, talking, shouting, and associated increase in criminal damage and breaches of public order, at a time of lowest ambient noise levels." **and**
 - 2) "If permitted, this proposal would set a precedent to resist in similar locations in other local shopping areas within the District where such

extremely late night activity is not indigenous to the local commercial character of those areas.”

- 3.3 Following complaints from the public and Essex Police, the site has been monitored and customers seen being served outside these hours.
- 3.4 Both before and after such monitoring, the proprietor had been notified both verbally and in writing of the existence of the condition and of the implications should he continue to breach the condition.

4 PLANNING ISSUES

- 4.1 The main concerns here are as outlined above in the various reasons why the opening hours should not be extended. The breach causes disturbance generally and there are concerns that these types of uses contribute towards public order problems late at night.

5 RECOMMENDATION

- 5.1 It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported.

Shaun Scrutton
Head of Planning Services

Background Papers

None

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