

TITLE OF REPORT: Enforcement Action

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without	

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										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.	
			Unsightly Land	21 st September	21 st September	N	N	21 st October 2015	16 th December	A planning application is expected to be submitted soon.	

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				2015	2015				2015	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work to erect the hoarding is now complete. Following wind damage to the hoarding this has been repaired. A site visit was undertaken on the 20 th June, and the land has been tidied. At the time of the visit contractors were on site, undertaking site investigations in preparation to submit details to discharge the relevant planning conditions. A discharge of condition application was submitted on the 8 th July and is currently being assessed	
4.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap	

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	One)		use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair							being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.	
	(Known as South West Farm Site Three)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency. The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3 rd November 2017.	
										The hearing at	

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									29 th Sep 2018	<p>Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</p> <p>The defendant pleaded not guilty at court on the 31st January. The case has been listed for the 29th March 2018.</p> <p>Both defendants pleaded guilty and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months.</p>	
5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A Notice has been issued to ensure the façade is brought up to an acceptable standard within a</p>	

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										<p>specified period.</p> <p>The majority of the requirements of the notice have been complied with.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> <p>As the premises has been on the market for some time the Council is now in contact with the agent to monitor the marketing and future occupation of the premises.</p>	
6.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p>	

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										<p>A referral is being made to the Councils land development group to see if a long term strategy can be put in place for this site (lead officer Mandy Reed)</p> <p>An update has been requested from litigation regarding this site.</p>	
7.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 th October 2017	19 th October 2017	N	N	23 rd November 2017	4 th January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13th December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the 5th February, in the absence of this being complied with a prosecution file will be</p>	

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										<p>prepared.</p> <p>The defendant attended court on the 13th June and was found guilty and ordered to pay a £300 fine and £100 costs.</p> <p>Estimates are being obtained to do works in default.</p>	
8.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	Y	N	29 th November 2017	26 th December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.</p> <p>A meeting has taken place between the developer and development management. A new</p>	

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										<p>application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not re-commence on site until the details have been agreed.</p> <p>The developer is currently in discussions with the Council prior to submitting the discharge of conditions application.</p> <p>The discharge of condition application was submitted on the 23.03.18.</p> <p>The conditions were discharged on the 15th June. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</p>	
9.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 nd December 2017	22 nd December 2017	Y	Y	26 TH January 2018	26 th March 2018	Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of	

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										<p>such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> <p>An appeal against the Enforcement Notice has now been received. The start date is 20.02.18. The appeal is written representations, neighbours have now been notified.</p> <p>Appeal decision has been made and notice has been upheld The unit is being monitored and is currently advertised for sale</p> <p>A letter has been sent to the owners confirming the date when the notice is to come in to force (23rd July) and what the definition of a café use is.</p> <p>Following a further site visit, the unit has now ceased trading, and the notice complied with. Permission is sought from Committee to remove this item from the agenda</p>	

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10.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	N	N	16 th February 2018	16 th March 2018	<p>Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the land owner advising of the date of compliance. A site visit was undertaken on 03.04.18 the Notice has not been complied with. A P.A.C.E Interview invite has been sent to land owner</p> <p>Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as of the 14th May 2018</p> <p>As the posts are still in situ a prosecution file is being prepared.</p>	

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11.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 th February 2018	19 th February 2018	N	N	26 th March 2018	7 th May 2018	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.</p> <p>As there has been no activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition.</p> <p>A demolition company has been instructed and the section 81 counter notice has been issued. Works to erect a hoarding are due to start imminently</p> <p>Following a site visit on the 13th June, the hoarding has been erected and the demolition has commenced.</p> <p>As of the 20th July the building has been fully demolished and the rubble is being removed from the site.</p>	
12.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28 th April 2018	Despite communication with the occupiers and owners of the site, conditions relating to planning permission	

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										<p>DC/12/01266/MIWAS have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. This condition has not been discharged</p> <p>A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p>	
13.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged	
14.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This	

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										condition has not been discharged	
15.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged	
16.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged	
17.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged	
18.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to clearance heights beneath the electricity power lines. This condition has not been discharged	

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19.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 26 to require the submission of details for the illuminate activities on site. This condition has not been discharged	
20.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged	
21.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 28. To require submission of details for alternative provision for Sand Martin nesting and other bat and bird boxes and a timetable for implementation. This condition has not been discharged	
22.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 31. To require the submission of details for reflective road marking scheme adjacent to the site access on Lead Road. This condition has not been discharged	
23.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 32 to require the Submission of a timetable for the early restoration of the north east corner of the site. This condition has not been discharged	

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24.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>Confirmation has been received from the Consultant that the site working hours are now in accordance with the requirements of condition 51. Further complaints have been received that HGV's are entering the site prior to 06:30, this is currently being investigated.</p> <p>A site visit was undertaken on the 20th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>	

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25.	Dynamix Albany Road From Quarryfield Road To South Shore Road Gateshead	Bridges	Unauthorised Development	19 th April 2018	19 th April 2018	N	N	19 TH April 2018	16 th May 2018	<p>Despite communication with the owner and occupier regarding unauthorised groundworks, further works were being carried out (without permission) which have resulted in an odour issue. A Temporary Stop Notice has been served to ensure that work ceases so the impact of the work can be assessed and the test results of the materials involved are being carefully considered.</p> <p>Dynamix is working with the Council and the Environment Agency to remove the unauthorised materials from the site. To date a large amount of the waste has now been removed from the site, the Environment Agency is currently monitoring this.</p> <p>The Environment Agency is conducting an investigation into this case. Permission is sought from Committee to remove this item from the agenda</p>	
26.	16 Ashtree Close Rowlands Gill Tyne And Wear NE39 1RA	Chopwell And Rowlands Gill	Unauthorised change of use	30 th April 2018	1 st May 2018	N	N	4 th June 2018	2 nd July 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the	

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										private garden. The loss of open space is unacceptable, therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.	
27.	Storage Land Forge Road Gateshead	Dunston And Teams	Unauthorised development	22 nd May 2018	22 nd May 2018	N	N	22 nd May 2018	19 th June 2018	<p>Complaints have been received that groundworks are being carried out without any planning permission. A Temporary Stop Notice has been served to ensure the work ceases to allow the impact of the work to be assessed.</p> <p>The owners of the land are working with the council to submit a planning application to regularise the works</p> <p>A planning application has been submitted for a "Change of use from amenity land to car wash and erection of canopy, portakabins and fencing"</p> <p>The Temporary Stop Notice expired on the 19th June, and the application is being considered at the 29th August Committee. Permission is sought to remove this item from the report</p>	

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28.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	N	N	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.	
29.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	N	N	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.	