

TITLE OF REPORT: Enforcement Action

REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport

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	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016	<p>Notices were issued in September 2015 in respect of an unauthorised scrap 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.</p> <p>As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an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.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p>
	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	15 February 2016	14 March and 4 July 2016	<p>Both defendants pleaded guilty at Newcastle Crown Court 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> <p>The site has recently been revisited and it is likely further action will be required.</p>
	(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	15 February 2016	14 March and 4 July 2016	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Councils legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p>
								<p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>

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								<p>Update requested by Councillor Ord at planning committee 16 February 2022 as problem recurring</p> <p>Allocated to enforcement officer and investigations ongoing. The Environment Agency have been approached for additional support with this investigation and the enforcement team awaiting confirmation of a joint visit.</p> <p>12.10.2022 No further update</p>
2.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
3.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
4.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p>

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								<p>Update 27.4.2022 Property has since been sold. New owner has submitted a planning application DC/22/00244/HHA. Some work started on the property which has resulted in building waste which has been left in the rear yard for several weeks now. Community Protection Warning has been issued, requiring removal of waste.</p> <p>Update 26.5.2022 Owners have been in contact and given assurances the waste will be cleared. Estimate this will be next week.</p> <p>Update 23.06.2022 waste in rear of property has been removed following Community protection warning and Community protection notice.</p> <p>The longstanding issue remains the external condition. Boarded up windows, damage to the roof of the front bay window, guttering etc.</p> <p>Planning application DC/22/00244/HHA - Proposed Part Two/Part Single Storey Rear Extension, Rear Dormer Window and Insertion of Roof Lights to the Front Roof Slope has been validated so it is anticipated that works to the property will commence soon after approval.</p> <p>Complaints had also been made about the condition of the hedge at the front of the property. This has been cut back but has the disadvantage of exposing the condition of the front of the property.</p> <p>12.10.2022 No further update</p>
5.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<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 all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p> <p>A revised notice was re-served on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't straight forward due to structural integrity of building and presence of asbestos containing materials. 02 March 2022 NEDL have disconnected the electrical supply to the building.</p> <p>Update 25.5.2022 from Simon Whitehead, Construction Services Manager: As with a lot of the major demolition projects, progress in the scheme development has been slowed down by significant public utility complexities, further compounded in terms of access by the presence of asbestos containing materials.</p> <p>The updates with the key items on the project are as follows;</p>

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								<p>Northern Powergrid (NPG); The order has been placed (and paid) for the disconnection.</p> <p>NPG initially agreed to make the initial visit via a Sub-Contractor, however once we informed them of the presence of visible damaged asbestos containing material debris, the Sub-Contractor declined the visit and passed the work back to NPG. We have since been in contact with NPG a number of times, we have received returned written comms that this job is allocated and booked in, but with no date given. We will, of course, continue to pursue NPG for dates.</p> <p>BT (Openreach); BT have a cluster of live cables attached to the building, but which are not serving the building, but piggy-backed onto Excelsior as a point of support / change in direction for their apparatus, using Excelsior as a mid-span point of support between cables further down the road in both directions.</p> <p>We will be meeting BT on site at a time to be determined by BT, to discuss disconnections and diversions of cables that serve the surrounding buildings. Once this meeting takes place, we will be in receipt of a BT quotation and in a place to raise an order for their works. We continue to pursue BT for dates.</p> <p>Gas / Water; The gas and water main supplies to Excelsior are already disconnected and made safe. We have correspondence from Northern Gas Networks advising such.</p> <p>Party Wall notices; As you will be aware there is some surrounding allotment land that abuts the boundary with Excelsior, we have tried to establish land ownership and written to those we think are owners with Party Wall notices. We are awaiting returns to this communication. We will be following up with additional comms in due course.</p> <p>We are frustrated, as we always are on complex demolition projects, that the expedience of the scheme development is always hindered by outside influences that we have no control over.</p> <p>Rest assured the design and specification work is ongoing in the background and will be ready to go to the Quantity Surveying department for tender activities as soon as all external bodies have completed works / signed notices / fulfilled their duties back to us.</p> <p>12.10.2022 – No further update</p>
6.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land

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								<p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p> <p>Update 12.10.2022 – Case progressing to prosecution for non-compliance. Site visit arranged for 03.11.2022</p>
7.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p> <p>Update 12.10.2022 – Case progressing to prosecution for non-compliance. Site visit arranged for 03.11.2022</p>
8.	Land at Dunston Mech Club House, Dunston Road.	Dunston and Teams	Untidy Land	10 th October 2022	10 th October 2022	10 th October 2022	31 October 2022	<p>Complaints have been received regarding the condition of the land due to the storage of vehicles in various states of disrepair. This is a complex site with multiple landowners and non-registered land. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act 2014 on one land owner and one occupier requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p>
9.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 th April 2022	27 th April 2022	18 th May 2022	5 th September 2022	<p>Complaints have been received regarding the condition of the property and the adjoining land. The site has been subject to a number of arson attacks, fly tipping and other anti-social behaviour. A Notice has been issued pursuant to section 79 (1) of the Building Act 1984 requiring the recipient to either carry out such works of restoration or carry out demolition and remove the resultant rubbish or other materials from the site as specified in the notice. This has been the subject of an appeal. Work is ongoing with Northumbria Police and Tyne and Wear Fire & Rescue service to expedite a resolution. Construction services have also been requested to provide a method statement and costings for demolition, should the local authority be required to undertake works in default.</p>