

**REPORT TO PLANNING AND DEVELOPMENT
COMMITTEE****06th December 2023****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	Case History	Current Update
1.	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 2019, 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> <p>04.05.2023 – Site meeting took place with with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales.</p> <p>26.07.2023 - Development Management have three outstanding discharge of conditions applications which they are looking to determine week commencing 31st July 2023. Once the applications have been determined we will be in a better position to review what conditions remain outstanding and consider appropriate next steps.</p> <p>18.10.2023 – The three discharge of condition applications to cover the breach of conditions have been determined in the last week, with the majority refused. The new sole director of the company has been notified and provided a copy of the decision notices. Advice is awaited as to how enforcement action will proceed.</p>	<p>21.11.2023 – Prior to taking any formal enforcement action, Planning Contravention Notices have been served on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>

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	Case History	Current Update
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 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> <p>February 2023 - Development management have engaged a minerals and landfill specialist consultant to consider the current planning status of this development and determine an appropriate course of action should further enforcement activity be required.</p> <p>04.05.2023 – Site meeting took place with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales.</p> <p>18.10.2023 – The three discharge of condition applications to cover the breach of conditions have been determined in the last week, with the majority refused. The new sole director of the company has been notified and provided a copy of the decision notices. Advice is awaited as to how enforcement action will proceed.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>	<p>21.11.2023 – Prior to taking any enforcement action, Planning Contravention Notices have been served on several parties to establish their respective interests in the land as there have been many changes in recent years. Once responses are received this will assist in determining the enforcement approach.</p> <p>Ongoing monitoring in place to ensure the works continue and conditions are met.</p>

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	Case History	Current Update
3.	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>Update 08.02.2023 - Building work has commenced at the rear of the property. Old kitchen has been demolished in preparation for the new development. Gable wall is being repointed.</p> <p>18.10.2023 – Good progress continues with refurbishment of the property. Ongoing monitoring to ensure works continue to a good standard and at reasonable pace.</p>	21.11.2023 – Works are substantially complete on the property to a good standard. Notice deemed to have been complied with and this item will be removed from the next report.
4.	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> <p>Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p> <p>Construction services instructed to</p>	21.11.2023 – A meeting took place with OM Properties Ltd on 19.10.2023. The Council made clear its position that the statutory notice had not been complied with to either bring the property back into use or demolish it and that the Council were seeking to demolish the property in default due to the impact on the local community. The owner was of the view that the property was still viable subject to works to bring it back into use. The Council agreed that two weeks would be provided to the owner to demonstrate how this could be achieved and likely timescales. Information has been provided by the owner and the Council has afforded additional time up until 11.12.2023 to provide further supporting information. Meanwhile works are ongoing by the council to progress

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	Case History	Current Update
								<p>progress to tendering stage for demolition.</p> <p>On 12.05.2023 Representatives of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service met on site to examine the condition of the building and consider further opportunities to restrict access and minimise the impact of ongoing ASB. Work is ongoing to provide a legal remedy.</p> <p>A community protection warning notice was served on the landowner requiring him to take a number of steps in the interim period to prevent or minimise the opportunities for anti-social behaviour on site. This wasn't complied with and a Community Protection Notice was served. A Direction hearing took place on 20.09.2023 at South Tyneside Magistrates Court with the matter is listed for a full day contested appeal hearing on 23.01.2024 at STMC starting at 10am. Directions have been set as follows:</p> <ul style="list-style-type: none"> • 25.10.2023 exchange documents • 01.12.2023 exchange of statements <p>OM properties Ltd have asked for a meeting to try and resolve matters. This will take place on 19.10.2023. Further ASB and fires have also occurred on site in recent weeks and the Council, with partners are pursuing all avenues to mitigate the impact of these premises, including expediting demolition.</p>	demolition at the earliest opportunity.
5.	Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN	Ryton, Crookhill and Stella	Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps	22 nd May 2023	24 th May 2023	28 th June 2023	<p>28th October 2023 - removal of all structures</p> <p>28th November 2023 - removal of all resultant debris</p>	<p>Complaints were received regarding the erection of an unauthorised building for use as a café.</p> <p>A retrospective planning application was submitted. It was refused on 28.2.22.</p> <p>An appeal was submitted to the Planning Inspectorate in relation to the planning refusal. The appeal was dismissed.</p> <p>An amended scheme/application was submitted to the Council on 14.10.22 and refused by Committee on 17.5.23.</p> <p>As two applications have been refused and giving weight to the appeal dismissed by the Planning Inspectorate it was</p>	21.11.2023 - No further information has yet been provided by the planning inspectorate.

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	Case History	Current Update
								<p>considered expedient to take enforcement action and an Enforcement Notice has been served.</p> <p>The notice requires the removal of the unauthorised structures (café building, raised deck, smoking shelter, canopy and steps).</p> <p>18.10.2023 – Appeal has been lodged with the planning inspectorate. Start date of the appeal process is 17.07.2023 and is to be heard by way of written representations. Closing date for representations of 28.08.2023. which has now passed. Notice is suspended until the outcome of the appeal is determined.</p>	
6.	31 Cromer Avenue Gateshead NE9 6UL	Chowdene	Untidy Land	31 st May 2023	31 st May 2023	31 st May 2023	<p>28th June 2023 – cut back all weeds, brambles, bushes, shrubs and long grass.</p> <p>12th July 2023 – Remove all resultant rubbish and debris</p>	<p>Complaints have been received regarding the condition of the rear garden of the property. The property has been vacant for several years. The owner has failed to take reasonable steps to maintain the vegetation within the premises in such a manner to prevent detriment to the amenity of the area and the quality of life of others in the locality. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act 2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.</p>	21.11.2023 – The recipient of the notice has not appealed to the Magistrates Court and is therefore in contravention of the notice. Legal advice is being obtained which is still awaited as to further enforcement options available including prosecution and work in default. Ongoing monitoring in place but no compliance as yet.
7.	Caspian Kebab The Cottage 18 Talbot Terrace Chester Le Street DH3 2PQ	Birtley	Without planning permission, the erection of structure comprising of a metal framework and slate tiled monopitch canopy	25 th November 2023	16 th November 2023	21 st December 2023	21 st April 2024	<p>The Council received a report that a metal structure had been erected in front of the premises. A retrospective application was secured, however planning permission was refused. A subsequent appeal was dismissed by the Planning Inspectorate and the Enforcement Notice has now been served requiring the removal of the unauthorised structure comprising of a metal framework and slate tiled monopitch canopy.</p>	