

## MATERIAL CHANGE OF USE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)

### ENFORCEMENT NOTICE

To: Mr Futak Fong, 2 Sandygate Mews, Marley Hill, Newcastle upon Tyne

ISSUED BY: THE BOROUGH COUNCIL OF GATESHEAD  
Civic Centre Regent Street Gateshead Tyne and Wear  
NE8 1HH

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

The land at 2 Sandygate Mews, Marley Hill, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the change of use from a residential property to a mixed use as a dwelling house and food storage and distribution centre.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised use is not suitable in a residential area. The Council does not consider that planning permission should be given, as this would be contrary to the policies contained within the adopted Unitary Development Plan for Gateshead. The Council consider it expedient to take enforcement action for the following reasons:-

a. The unauthorised use has an adverse impact on the visual amenity and character of this residential area. There is also a disturbance to the residential properties in the area caused by commercial activity and noise resulting from traffic generation to and from the property which is contrary to policy H2 of the adopted Unitary Development Plan for Gateshead which states that the residential amenity of existing housing areas will be protected. Proposals which may affect existing housing areas should not result in:

- Adverse impact on visual amenity or character.
- Overlooking or loss of light affecting the residential amenity of neighbouring properties.

- Loss of trees or urban space.
- Disturbance through commercial intrusion, artificial lighting, noise, vibration, smell, fumes, dust or grit.
- Unacceptable parking or traffic generation.

b. The business use of these premises in a residential area also has a detrimental effect on highway safety contrary to policy R10 of the adopted Unitary Development Plan for Gateshead which states in residential areas, B1 uses (light industry, offices and other forms of small business) will only be acceptable where they do not adversely affect the amenities of nearby residents. Uses that generate excessive noise or traffic, smell, fumes, or on-street parking, or which are detrimental to highway safety, will not be allowed in such areas. R14 of the adopted Unitary Development Plan for Gateshead also states that development proposals for employment uses on sites of all sizes not allocated in the Plan for such uses will be considered on their merits in the context of the need to achieve a full range of sites, protect and provide open space within the urban area, protect the countryside and ensure they do not have detrimental effects on neighbouring residential or employment areas.

#### 5. WHAT YOU ARE REQUIRED TO DO

Cease all commercial food storage and distribution from the Land

Time for compliance: 2 months after this notice takes effect.

#### 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7 January 2002 unless an appeal is made against it beforehand.

Dated: 23 November 2001

Signed:



R M Kelly  
Strategic Director Legal and Corporate Services

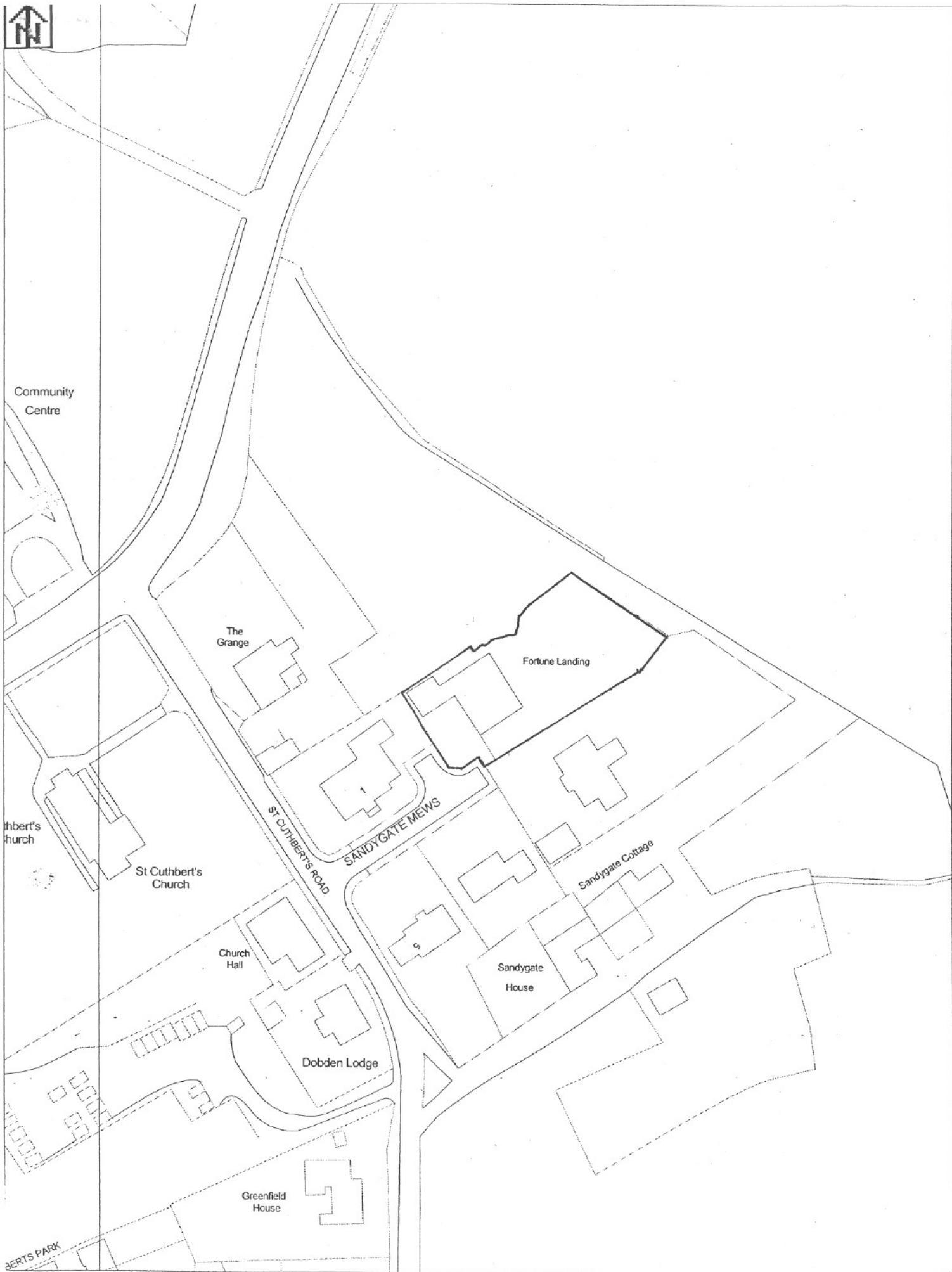
On behalf of: The Borough Council of Gateshead, Civic Centre, Gateshead,  
Tyne and Wear, NE8 1HH

## ANNEX YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 7 January 2002. The enclosed booklet "Enforcement appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice, which is enclosed.

## WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 7 January 2002 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



FORTUNE LANDING, SANDYGATE MEWS

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