

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: The Borough Council of Gateshead (“the Council”)

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Unit 8, Blaydon Trade Park, Tollbridge Road, Gateshead, Tyne and Wear, NE21 5TR shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL**

Without the benefit of planning permission, the unauthorised change of use to retail, (use class A1).

4. **REASONS FOR THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last ten years.

Blaydon Trade Park was granted planning permission for eight industrial units (use class B1/B2/B8) with associated car parking in November 2000. The granting of this planning permission, with particular regard to the authorised uses, is consistent with adopted UDP policies R6, R7 and R8, which identify and protect the area as a Primary Employment Area.

The site is now occupied, and the occupiers of the buildings are using them for retail purposes (use class A1). This is in breach of the existing planning permission for the site. The retail use of the units is contrary to, and undermines the UDP's policies for the area, which seek to protect key employment uses and opportunities for the borough as a whole. Therefore, the operation of the buildings for retail purposes is contrary to policies R6, R7 and R8 of the adopted UDP, and policy JE1 of the re-deposit draft UDP.

Moreover, it is considered that the use of these out of centre units for retail purposes is contrary to national retail policy contained in PPS6, which requires such uses to be fully tested in terms of retail need, impact and location. It is also contrary to policy S18 of the adopted UDP, and RCL7 of the draft re-deposit UDP, which also require such proposals to be accessible by a choice of means of transport and sequentially tested. The use of the units for retail purposes, outside of existing centres, could undermine the vitality and viability of existing centres, and in location terms is unsustainable due to the poor level of accessibility, other than by private car.

R6 *In order to protect employment uses and development opportunities Primary Employment Areas, shown on the Proposals Map, are designated in the following locations:*

- | | |
|-------------------------|---------------------------|
| 6.1 Addison | 6.2 Blaydon/Derwenthaugh |
| 6.3 Dunston | 6.4 Teams |
| 6.5 Team Valley | 6.6 East Gateshead |
| 6.7 Felling | 6.8 Follingsby |
| 6.9 Portobello, Birtley | 6.10 Durham Road, Birtley |

R7 *Within Primary Employment Areas development for, and changes of use to, B1, B2, B8 and C1 uses as defined in the Town and Country Planning (Use Classes) Order 1987 (business, general industrial, storage and distribution and hotels) and leisure uses will be permitted subject to detailed considerations and providing that there is no significant adverse effect on the environment. In the case of large-scale leisure developments proposals must also satisfy the sequential test.*

R8 *Within Primary Employment Areas development of, and changes of use to, retailing, residential (including residential institutions) and other non-employment uses, will not normally be permitted. Exceptions may be made for:*

- a) small shops (less than 250 square metres) which do not affect the vitality and viability of an existing centre;*
- b) petrol filling stations and/or car showrooms or drive-through restaurants (but not subsequent shopping use);*
- c) warehouse clubs which satisfy the criteria set out in policy S20;*
- d) proposals which would improve or provide public open space, landscaping or wildlife habitats;*
- e) proposals which would improve off-street car parking; and*
- f) proposals which would improve working conditions.*

JE1 *in order to protect and maximise employment uses and development opportunities, Primary Employment Areas, shown on the proposals map, are identified in the following locations:*

- 1.1 Addison
- 1.2 Blaydon/Derwenthaugh
- 1.3 Dunston
- 1.4 Teams

- 1.5 Team valley
- 1.6 East Gateshead
- 1.7 Felling
- 1.8 Follingsby
- 1.9 Portobello, Birtley
- 1.10 Durham Road, Birtley

Within Primary Employment Areas, subject to satisfying the criteria set out in policies DC1, DC2, DC3, DC4 and DC5 development of, and changes of use to the following areas are considered acceptable:

- *Research and development, business and light industrial (B1)*
- *General industrial (B2);*
- *Warehousing, storage and distribution (B8);*

Development of, and changes of use to, the following uses will not normally be permitted:

- *Retailing*
- *Residential (including residential institutions);*
- *Leisure*
- *Other non-employment uses.*

Exceptions may be made for complementary supporting uses A1, A2, A3, A5 and D1, (less than 200sq m) where local need is demonstrated.

Exceptions may be made for hotels within East Gateshead PEA.

Exceptions may be made for car showrooms within PEAs,:

- *Demonstrating that the proposal cannot be accommodated on alternative edge of centre sites;*
- *Locating in the vicinity of the main road network;*
- *Integrating within an existing cluster of car showrooms; and*
- *Being accessible by a choice of means of transport.*

S18 The development of shopping centres, factory outlet centres or retail warehouse parks in new locations will only be permitted if it meets the following criteria in addition to criteria a) to e) of Policy S19:

- a) *The proposed development would improve the potential for multi-purpose trips and is easily accessible to all customers in the catchment area;*
 - b) *There would be no significant increase in the length and number of motorised journeys within the catchment area;*
 - c) *There is a clearly defined need for the retail provision and operating format as proposed; and*
 - d) *There would be no significant overall adverse environmental impact.*
- Permission will only be granted subject to a requirement that any subsequent subdivision of retail units over 1,000 square metres will require further*

planning permission to be obtained. This will be achieved by a conditional planning permission.

RCL7 Planning permission for town centre uses on sites not within an identified centre or Gateshead Primary Shopping Area, nor on sites allocated for such within the plan, will only be granted where the need for the development has been demonstrated and where no suitable sites are available within the city, town, district or local centres.

Where the need for the development has been demonstrated and no suitable sites are available within centres, planning permission for town centre uses on the edge of or outside existing centres will be granted subject to the following considerations:

- a) the extent to which the proposal would impact on the strategy and objectives of the development plan;*
- b) the extent to which the proposal would impact on the vitality and viability of existing centres, including Gateshead Primary Shopping Area, either by itself, or cumulatively with other proposals;*
- c) the accessibility of the site by a choice of means of transport, and the efforts made to maximise use of these – proposals should not add overall to either the number or length of existing car trips;*
- d) whether the development would assist in enabling the wider redevelopment of brownfield sites for a variety of uses;*
- e) whether the development would contribute to the grouped provision of retail outlets of a similar type;*
- f) the extent to which the proposal meets local convenience shopping needs;*
- g) the use of a condition on any planning permission restricting the range of goods to be sold in retail warehouses to goods such as DIY, furniture and carpets;*

The payment of a commuted sum towards transport improvements may be required for new development on edge or out-of-centre sites, including MetroCentre and Retail World, in line with policy PO1.

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the retail (use class A1) use of the unit.**

6. TIME FOR COMPLIANCE

2 calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 17th April 2006, unless an appeal is made against it beforehand.

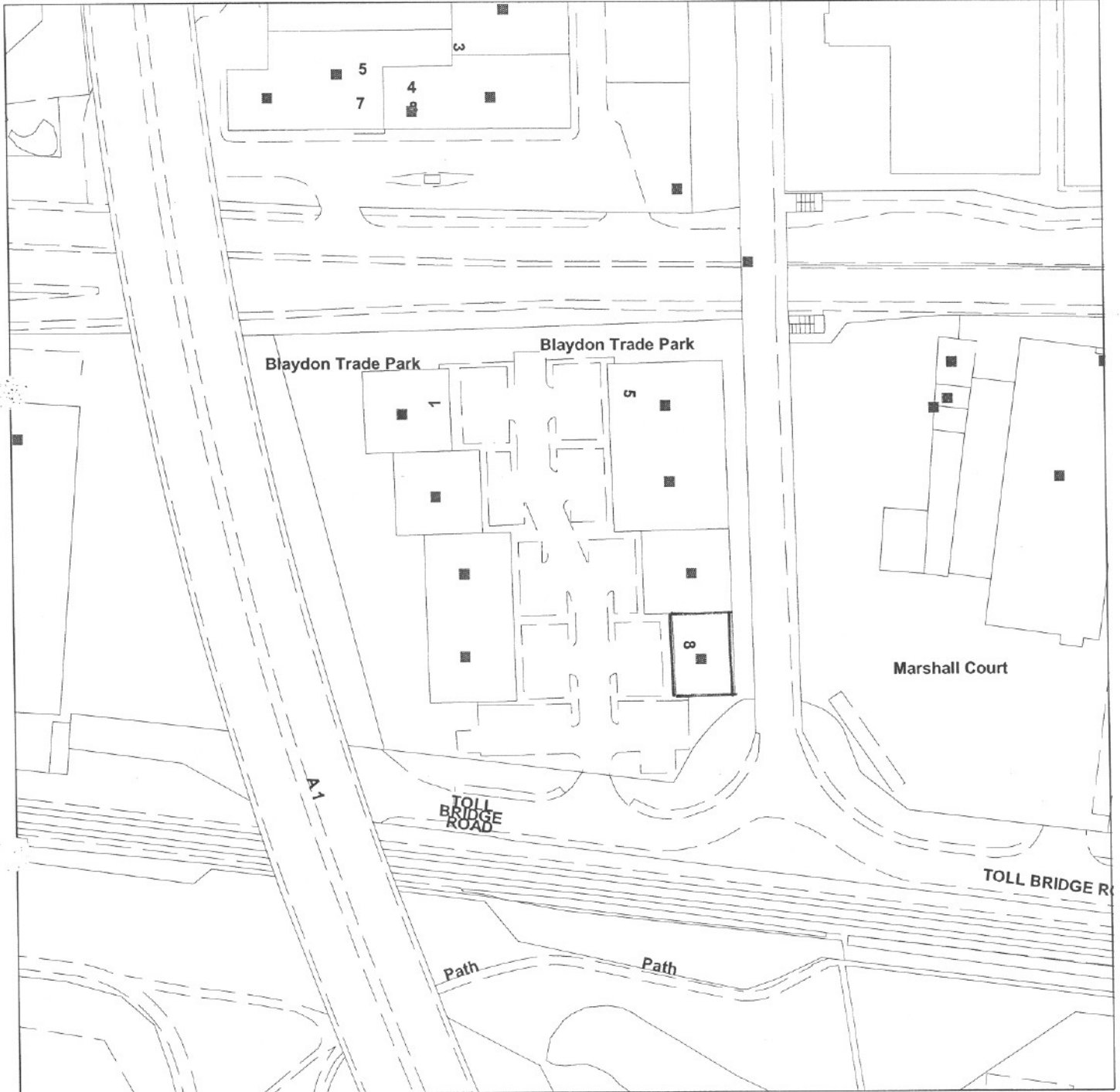
Dated: 13th March 2006

A handwritten signature in black ink, appearing to read 'P. Dowling', written in a cursive style.

Signed: **Paul Dowling**
Head of Regulatory Services

For and on behalf of the Borough Council of Gateshead.

Blaydon Trade Park



Scale : 1:1250

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Organisation	Gateshead Council
Department	Regulatory Services
Comments	
Date	10 March 2006
SLA Number	Not Set