

COPY LETTER

Date: 30th April 2014
OurRef: GM/LB
Your Ref:

Dear Resident

Development at UK Docks Ltd, Tyne Slipway, River Drive, South Shields

I am sending this letter to all households in Harbour View, and households between 32 and 99 Greens Place to explain the outcome of the Council's investigations into the recent developments at the Tyne Slipway in River Drive.

I have endeavoured to answer all the various questions that have been raised with the Council in recent months, including in a petition which many local residents have signed.

The Development Permitted in 1996

Planning permission was granted on 8th July 1996 by the former Tyne and Wear Development Corporation (TWDC) for the erection of a shelter to allow boat repairs to be carried out under cover.

Work commenced to lay foundations and this was inspected by South Tyneside Council's Building Control service on 26th February 2001. A further inspection on 22nd May 2001 showed that the foundations were fully concreted. This was a material operation for planning purposes in order to begin the development approved in 1996.

The approved dimensions of the steelwork are:

- Proposed height 15.5m at the River Drive end. The gradient of the slipway is 2.66m over the length of the shelter. This would mean the height at the riverside end would be 18.16m above the slipway;
- Proposed length 22m;
- Proposed width 12.2m.

Ltr - 29 04 14 - Residents (Uk Docks)

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The measurements which the Council took on 17th September 2014 are:

- ◆ Height at the River Drive end 15.5m and at the riverside end 18m.
- ◆ Length 22.254m;
- ◆ Width 13.1m;

Apart from the width these dimensions are either entirely in accordance with the approved plan, or subject to such minor deviation that they are properly categorised as non-material changes. It was following queries raised in mid-January that the plans were re-examined. We discovered that the overall width of the steelwork at ground level was shown as 12.2m on the plan, not 12.9m as previously understood.

Designated Purpose of Land

The 1996 planning permission did not change the lawful use of the land for planning purposes, which is general industrial use, which is defined as a use for carrying on an industrial process. The activities of UK Docks are within that definition. The slipway dates from a planning permission granted in 1976, for 'new slipway for maintenance/repair of fishing vessels'. The site was extended in the late 1980's from the original boundary downstream for approximately 40m. This was an area that was formerly part of the Velva Liquids site.

Conditions of the Planning Permission

The development has not been built in accordance with the approved plan. This means that the conditions attached to the permission are unenforceable against the building which was constructed. In such a situation the only option available to the Council, should seek to take formal enforcement action, is to secure the removal of the unauthorised structure.

Specifically with regards to condition 5, which relates to the hours of use of the shelter, a planning permission for operational development where there is an existing lawful use could not impose conditions which seeks to limit or restrict that lawful use. Therefore a condition which seeks to limit the hours of operation is unlawful.

The Alleged Breach of Planning Control

There was an oversight by the Council when we first compared the dimensions of the steelwork with the approved plan. Having established that there was a breach of planning control (carrying out development without the required planning permission) any action that the Council could take would only be against the shelter as erected, and not against any activities at the site. The Council may only take enforcement action where it is expedient to do so, having regards to the provisions of the development plan and to any other material considerations. The existence of the 1996 permission, and the evidence of the lawful beginning of that development, is a material consideration in this case. The principle of the shelter on this site, of the dimensions approved in 1996, was established by that permission. The site is allocated in the South Shields Town Centre and Waterfront Area Action Plan for a mix of uses, including general industry. Other policies in the development plan deal with design and residential amenity and no material harm is caused by the differences between the approved scheme and the shelter as built.

Enforcement action is at the discretion of the Council as Local Planning Authority. The Council must act proportionately in responding to suspected breaches of planning control. We do not condone the carrying out of development without first obtaining the necessary planning permission. For the reasons I have explained, regarding the existence of the 1996 permission and the provisions of the development plan, I have concluded that the development as constructed is acceptable on its planning merits. It would not therefore be expedient for the Council to take enforcement action.

Environmental Controls Over Activities on the Site

The activities on site are well-established small ship and boat repair. Whilst they would not fall under national regulatory pollution controls, they may be addressed by existing statutory nuisance legislation dependent upon the nature of work undertaken and the measures any operator adopts to mitigate its effects. The Council is happy to respond to any complaints about noise or other nuisance emanating from this site, but I have to emphasise that legislation can only enable the Council to achieve a reasonable balance between the requirements of all parties.

Notwithstanding what I explained about planning controls, the matters of Sunday working and general working practices have been brought to the company's attention and advice given by the Council's Environmental Health service.

Further Proposed Developments at the Site

UK Docks has indicated that it wishes to carry out further development at its River Drive premises. Any planning application which the company makes will be the subject of local publicity, which will include letters to the recipients of this letter, and the public will have the opportunity to make representations on any application. .

I trust that this explains the various issues that have been raised about this site over recent months.

Yours faithfully

George Mansbridge
Head of Development Services