

Fwd: Complaint: 248789 - Unplanned Development on River Drive

From: mick.dawson@theharbourview.co.uk

Date: 12/12/2019 (15:41:33 BST)

To: Cllr Angela Hamilton, Cllr Anglin, Cllr David Francis, Nicola Robason, Mike Harding, Gill Hayton (Solicitor), George Mansbridge, Hayley Johnson, Alison Hoy

Attachments: Dear Nicola 5-Dec-19

Forwards from September 2016

Dear All,

It looks like Nicola, or should I say the Executive of South Tyneside Council, does not wish to answer my request for under the Freedom of Information Act. She says will not consider the content of my email and attachments so it is fairly safe to say that the Council did not give UK Docks permission it retrospectively and that in turn beggars the question, why did UK Docks tell Cllr Hamilton and the MP for South Shields that it had been given by the Council.

The answer is simple. UK docks were unable to provide them with approved plans showing the shed to be the permitted section (being 3m taller and a meter wider than planned). The Council took a different path by telling us that the shed had been approved when the evidence showed that it had not and they maintained this fraud for six years by manipulating their own complaints procedure. The low point in this charade was the former Head of Development Services writing a Stage 2 response to an imaginary escalation to Stage 2.

To give credibility to his Stage 2 response and compound the sin he organised a meeting to review an approved plan but produced an unauthorised drawing instead which I rather rudely chucked away saying that both ends showed the same height. He then pretended that we had seen an approved plan and the complaint wended it way though Stage 3 and onto the Ombudsman unnecessarily.

This was all because the breaches in planning control were not notified to the enforcement officer and the Council misrepresented the plans to the Ombudsman to cover this up. They then use the Ombudsman's findings to mislead all enquirers after the truth, MPs for instance. This almost perfect plan was then spoilt by UK Docks claiming that the Council had given them permission for the shed we now see.

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

Talking to a retired planner I discovered that in most cases, development becomes immune from enforcement if no action is taken within 4 years. However, where there has been deliberate concealment of a breach of planning control, local planning authorities may apply for a planning enforcement order to allow them to take action after the time limits in section 171B have expired. This puts South Tyneside Council in an impossible position because it is THEY that have been deliberately concealing the breach in planning control since the meeting in the Town Hall in November 2013 and I quote from the Local Government Ombudsman, 15-Apr-15:

//The Ombudsman's final decision

Summary: This complaint is not upheld. In 2013 a developer

resumed building a boat shed for which he had planning permission and had started building in 2001. Local residents complained but the Council found the developer could still build the shed. However, the developer built it almost a metre wider than he should have done.

There is no evidence of fault in the way the Council dealt with the breach of planning control and its decision not to take enforcement action. It kept residents informed throughout the process. The

complainant says the shed is also 3 metres higher than it should be The Council says it is not. There is no fault in how the Council decided the shed is the permitted height.//

One only has to look at the approved or authorised drawings to see that there is no validity in that statement and UK Docks by telling us that the Council had given them permission retrospectively has exposed the Council's complicity in the deception.

I shall contact the MPs next week. It will be interesting to hear what Nicola says if she does get in touch but I doubt if we will hear any more from her as it looks like my latest letter has joined my original complaint of 10-Jan-14 in the bin.

Regards,  
Mr M Dawson

To: mick.dawson@theharbourview.co.uk  
Date: Wed, 11 Dec 2019 11:53:11 +0000  
From: monitoring officer <monitoring.officer@southtyneside.gov.uk>  
Subject: RE: Complaint: 248789 - Unplanned Development on River Drive

Dear Mr Dawson

Many thanks for your email.

I confirm safe receipt and that I will not consider the content of your email and attachments.

I will be in touch again further in due course.

Many thanks

Nicola

Nicola Robason  
Head of Corporate & External Affairs and Monitoring Officer  
South Tyneside Council