

Greens Place,  
S Sheilds  
2-Feb-2017

Dear Councillor Anglin,

As you can see from my email to you on Monday 9th, I have had a set to with the Council about non-compliance and the way they are handling it.



*Illustration 1: Flouting Condition 4*

The noise issue with UK Docks, although important, was not the real issue I was trying to tackle. The issue was non-compliance with a condition 5 (see ST1AA3 ...pdf). Apparently the Council cannot enforce condition 4, please see 'FloutingC4.jpg', attached, because the enclosure has been built without planning permission. I thought that condition 5 was, perhaps, being treated similarly but it appears that condition 5 is just being ignored.

These conditions were mentioned at a meeting in November 2013 where we were told the enclosure was 'legal' and I copied you in because you were at that meeting and I had written to you about us being misinformed at that meeting about the size of it.

We discussed conditions 3-5 but I was more concerned about non-compliance of condition 2. There were strong rumours around the riverside that the frames were far too tall and by the time of the meeting some two months later, rumours were also circulating that it was too wide as well. There seemed to be no sense in talking about any of the subsequent conditions if the second was not met.

If you look at the plans provided by UK Docks (attached: D8296/1B.pdf) you will notice that there are no Tyne and Wear Development (T&WDC) stamps on them at all. They have not been authorised. The Planning Manager's preferred drawing when discussing the planned dimensions of the enclosure was 8296/1A and I can assure you that it, like UK Dock's drawings, show no evidence that it has been anywhere near the T&WDC either and in the words of the Planning Manager himself "the only difference between 1A and 1B being to the foundation detail."

I did not believe that the base was compliant and went and measured the width for myself and found it to be about a meter wider than planned. There was no need to measure the height as it was shown on 8296/1B. Incidentally, the drawing also shows the river or downhill end to be the same height which makes the road or landward end have a planned height of some 12.8m.



*Illustration 2: 6 pairs Footings - 13.1m wide*

That being said, you will see that the planned width of the enclosure is 12.2m. The Council should have known since the inspection of the foundations on 22nd May 2001 or when they measured the frames on 17th September 2013 to be meter wider than planned and therefore not compliant. That is why I wrote to you (trail below: 16-Dec) letting everybody know that we had all been misinformed. Why Mr Cunningham would not accept my findings is a mystery.

I have no record of a response from you but the Principal

Planning Officer and the Chairman of the Tyne Gateway Assn. (TGA) did respond (trail below: 20-Dec x 2) and this prompted me to complain to the Council that the enclosure was not being built to plan. UK Docks had resumed work on it after months of little more than maintenance of the structure.

Subject: Slipway Development – River Drive.

Date: Fri, 10 Jan 2014 15:55:35

Dear Sir.

Please find attached copies of drawings Nos. 8296/1A and 8296/1B, 8296/14 and a photograph of the road end elevation of the slipway development.

I notice that work on this site has recommenced in the last day or so and I am surprised as there is still an outstanding issue which I think has not been addressed. The issue relates to the second condition of planning permission granted under ST/0242/96/UD which has not been met. This condition states:- “The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications”.

Plan drawing no 8296/1B received in the planning office on the 6th Sept was circulated to concerned residents. However it was noted the plan did not represent the structure erected on River drive. Comparison with the photo labelled Slipway Cover shows this quite clearly, the existing pillars are vertical while the drawing shows a sloped construction. The structure is 15.5m high on the south elevation therefore some 18.5m high at the north, the river end. I have estimated that the width of structure is 13.2m the drawings detail 12.2.

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As the applicant has not discharged condition 2 why is there no retrospective planning application?

I have not attached 8296/1A or 8296/14 nor the photograph of the road end elevation as they are not relevant in a discussion about the base of the enclosure. I have attached a photograph of the footings taken in 2010 which is.

You will understand now why I pressed for a feedback reference number for my complaint about Sunday working when you see the first response:

From: Peter.Cunningham

To: M Dawson

Date: Mon, 13 Jan 2014 10:19:18

Subject: FW: Slipway Development - Work Continues

Mr Dawson, I responded to you this morning as follows:

The queries that you raise are not new, indeed I have been repeating my response to them for some time now, and you will recall that I explained the planning aspect of the Council position to you regarding this development during our meeting. This meeting included the chair and representatives of your residents group, and Councillors Anglin and McMillan. This meeting was requested by the residents and it was arranged by the Councillors.

My understanding is that the responses that I had provided to you at this meeting enabled the matter to be closed.

May I therefore suggest that you speak with the Chair of the residents group in respect of the points that you have raised below, as these have already been discussed and explained. If you are still not satisfied with the Council's response then you should use the Council complaints procedure which has 3 stages.

Peter Cunningham

Principal Planning Officer

By this response to an observation that structure had not been built to plan he has:

continued the deception that it is built to plan;

effectively misinformed anyone who is following this dialogue;

not registered it as a complaint or given a reason for not doing so. Nor has he answered any of the questions;

referred me to the Council's complaints procedure\*.

This is a dereliction of duty and I need to escalate the issue, 14-Jan, and you will now understand why I stressed to Customer Advocacy about a feedback number for my observation the UK Docks were working on a Sunday. I get the second response from Mr Cunningham's line manager.

From: Gordon Atkinson  
Sent: 15 January 2014 13:35  
To: Michael Dawson  
Subject: RE: Slipway Development - Work Continues

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The dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings. The variation in the angle of the pillars is not considered to be material.

He has introduced 8296/1A which like 1B is not approved and, as I explained above, has not been authorised by the T&WDC. Like his Principal Planning Officer he denies the shed to be too wide and but he does register a complaint but not the one I sent in. It is based on my email, 14-Jan, to him and I have yet to establish that the enclosure is too wide:

From: M Dawson  
To: Planning Manager  
Subject: RE: Slipway Development - Work Continues  
Date: Fri, 24 Jan 2014 16:45:00

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You have informed me that the width of the structure has been measured, but have not stated the dimension or informed me that my measurement is incorrect. You have only told me that the measurements are to the approved plan. We are still waiting to see the approved plans (date stamped and approved in 1996).I would also like to add that as the columns are vertical it would seem reasonable to assume that the footings, laid in 2001, are also 13.2m.

It is not until the 3-Feb, and many emails including 3 denials, before I can thank him for confirmation that the enclosure is nearly a meter too wide. That is nearly 5 months since the first frame went up and over 12 years since the foundations were inspected.

I make no apologies for the length of this letter because I have to illustrate the trouble I have had in just getting the Council to admit that the shed is too wide. Why did it take six weeks, numerous denials and 4 emails (and I'm not counting the 2 to the Principal Planning officer nor the one to the Chairman of the TGA) to establish that the enclosure was built wider than planned?

Before I finish I would like to comment on the response, 2-May-2014, to our Petition by the Head

of Development Services

he implies the drawings he is referring to are approved but we must assume he is referring either to 8296/1A or 1B as they are the only one that give the height of the landward end, erroneously as 15.5m:

the origins of '12.9m' as there is no such dimension on any drawing. As the words suggest, the centres are on the inside and should be subtracted.

Look at the drawing 8296/1B, bottom centre, and you will see he is talking nonsense:

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.

The explanation was given in letter to another resident a few days before, 29-Apr,

It was only after Mr Dawson raised queries in mid-January that that the plans were re-examined. We discovered that the overall width of the steelwork at ground level was shown on plan 8296/1A as 12.2m. I believe this error arose because the captioned dimension of the uprights (2x350mm from centre to edge) had been incorrectly added to the overall width of the structure when it was first measured in September 2013.

This piece of misrepresentation appears to be designed to make people think that the enclosure is only 200mm (just under a standard brick's length) wider than planned when he justified taking no enforcement action over the extra width.

\* I also complained to him about the conduct of the Principal Planning Officer at this time but received no more than an acknowledgement.

It looks like my complaint about Sunday Working is taking a similar path to the troubles I have had in discussing the width. I do not have a feedback number and it is over 3 weeks and 3 or 4 emails since I first raised the subject with the Council's 'Complaints'.

Both pale into insignificance to the story I have to tell you about trying to establish the truth of the deviation in planned height and I shall wait for your comments till I have described that to you.

Why are the Council so one sided in the handling of the problems we have with UK Docks?

Yours sincerely,  
Michael Dawson