

## Conduct of the Planning Department – Job No 248789

If Mr Cunningham had been more honest with the TGA there would have been no requirement for the following complaint to be raised:

From: M Dawson  
To: Planning Enquiries - Date: Fri, 10 Jan 2014 15:55:35  
Subject: Slipway Development – River Drive.

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 0296/1B 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 that the width of structure is 13.2m the drawings detail 12.2.

Plan drawing no 8296/1A was sent to me after I requested the approved and date stamped plan. This drawing is a precursor to 8296/1B and still does not represent the structure on River drive. However it is dated and stamped ‘South Tyneside MBC 11 April 1996’ when residents have been advised the Council had no involvement.

There are no detailed plan drawings available to the public for ST/0242/96/UD. There is only one drawing for ST/1146/13/COND, which shows the river facing elevation and details of the strip curtain door fixings. Examination of this drawing number (8296/14) gives a detail of a beam (portal column) width 0.686metres, with which the height and width of the north elevation can be gauged. The north elevation is 15.6m high with a width of 12.2m.

When looking at the three drawings and the photo I have forwarded, it is obvious that there is a complete miss match. It is therefore reasonable to conclude that the current structure has not been built to the ‘approved plans’ as provided by Council, ie 1A,1B nor does the drawing of the cladding/door fixing detail match what exists, for example the structure is 3 metres higher and 1 metre wider than shown on 8296/14.

Please will you answer the following questions:

Why are there no date stamped and approved plans available on the planning portal?

Why are there no plans for the current structure?

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

Why when I have been provided with a drawing dated 1996 were residents informed Council was not involved at this time?

I am now again requesting copies of the plans date stamped and approved in 1996 and any approved revisions to these plans.

yours sincerely

Mr M Dawson

Note:

1. The drawings and their properties are described in [‘Plans and Drawings’](#)
2. UK Docks have not complied with the 2<sup>nd</sup> condition;
3. 8296/1B is only used to indicate that the structure is too wide and not vertical sided;
4. 8296/1A is only used to show that the Council were involved in 1996;
5. 8296/14 is used to show that it is 3 metres higher and 1 metre wider than planned.

Mr Cunningham responds:

From: Peter Cunningham  
To: M Dawson  
Date: Mon, 13 Jan 2014 10:19:18  
Subject: FW: Slipway Development – Work Continues [NOT PROTECTIVELY MARKED]

Mr Dawson,

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's 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's complaints procedure which has 3 stages.

Peter Cunningham

Principal Planning Officer

Please note:

- I wrote to Planning Enquiries, not to him, because he has already blocked the attempt to establish that the enclosure was oversized;
- he has not registered this enquiry – the job number should be in the subject if normal complaints procedure had been handled;
- he has not answered any of the questions;
- the meeting was not requested by the residents, it was requested by Cllr Anglin and we were invited to attend;
- he has not commented on either of the two variations from plan;
- “why is there no retrospective planning application?” has not been answered;
- the Chair of the TGA and I disagree;
- referred me to the Council's Complaints Procedure;
- **it is the 3<sup>rd</sup> time he has said the enclosure is compliant when it is not. 1<sup>st</sup> at the meeting and the 2<sup>nd</sup> in response to the email telling people at the meeting that we had been misinformed.**

These comments suggest that he is misusing the Council's Complaints Procedure. He has not attempted to answer the questions posed and not registered my complaint. It seems to be a well rehearsed method of avoiding awkward questions. We are back at the impasse of the November meeting – he says the enclosure is compliant and that is that.

His reply is not satisfactory, it appears to be a denial that there is anything wrong and I ask him: “If you are unable to supply me with answers to my questions could you please pass the issue to someone who can.” His manager who says:

From: Gordon Atkinson

Sent: 15 January 2014 13:35:31

Dear Mr Dawson

For consistency and in an effort to be comprehensive, I have provided below the details which the Council established in September last year when work on the development re-commenced, with additional response to your further questions.....

The permission was subject to the conditions shown on the decision notice. 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.

Approved Drawings

**The following are details of the relevant drawings in the Council's possession. The drawing that was submitted on 11th April 1996 with the application is numbered 8296/1A. That shows the overall height of the structure as 15.5m above the foundation level at the landward end. At the riverside end the foundations are shown as 2.656m lower due to the gradient of the slipway. The structure would therefore be that much higher at the riverside end. 8296/1B is the same drawing captioned 'Foundations Amended. All Frames Identical'**

A second drawing was received by TWDC on 4th June 1996 from the developer's agent. That is numbered 8296/2. This shows longitudinal and transverse sections through the site to illustrate the relationship between the proposed building and the gradient of the site, the riverside revetment and existing buildings on the site. This drawing is stamped 'Approved by Tyne and Wear Development Corporation date 8/7/96 22/8/96'.....

**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.

#### Conditions on the Planning Permission

With regards to condition 2, this does not require any submission by the developer. Drawing no. 8296/14 is a recent drawing submitted to discharge condition 4 and it shows the strip curtain doors fixing details. In answer to your four final questions:

1 While basic details of the 1996 application can be accessed on the Planning Explorer website (reference ST/0242/96//UD) drawings and other details are available only for much more recent applications.

2 The details of the approved drawings are given above.

3 Condition 2 does not require any submission by the developer.

4 In 1996 the Council was not the Planning Authority; that was the Tyne and Wear Development Corporation (TWDC). The Council received applications on behalf of TWDC.

I trust that this assists you

Gordon Atkinson

Planning Manager

South Tyneside Council, Town Hall & Civic Offices

The irrelevant stuff has been missed off and the misinformation emphasised. The Planning Manager fails to answer satisfactorily the last 4 questions. [He registers my complaint as 248789](#) with details from the escalation of 14<sup>th</sup> not the complaint of the 10<sup>th</sup>.

1. the complete email is in [/docs](#).
2. although he discusses 8296/1A under the heading 'Approved Drawings' he does not actually say it is approved. There is no evidence that 8296/1A has ever been to T&WDC let alone been approved;
3. when he goes into detail he says, "8296/1A – shows the overall height of the structure as 15.5m above the foundation level at the landward end" he has a) ignored the fact that the drawing also shows the other end to be 15.5m as well and b) ignored my observations about 8296/14 which contradicts his interpretation;
4. 8296/1B was drawn in 1997 and not relevant to the grant of 1996 and therefore may not even be legal;
5. he states, "**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."
  - a) all drawings show a planned width of 12.2 m but the built width is 13.1m;
  - b) the approved drawings show or indicate a planned height of about 15.6 m at the river end but the built height at that end is 18.2m;
6. he says condition 2 does not require any submission by the developer. Irrelevant the structure still need to be built to plan to conform to condition 2;

He has said the dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on approved drawings and we are back again at the impasse we had with Mr Cunningham and I write again on 24-Jan-14 ([full copy in /docs](#)):

- 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;
- To return to drawing no 8296/14. Using the dimensions given on this drawing for the 'portal col' (.687 x .254) one can ascertain that the height of the NNW (river) elevation ('access for boats') is 15.6 meters. I would assume that the agent, Maughan, Reynolds Partnership Ltd, would refer to copies of approved drawings to complete and submit the drawing required to comply with conditions 3 and 4.

One would have thought that he would have conceded that the enclosure had indeed been built 2.7m higher than planned but no, ([both his email and my response can be viewed online](#)) he does, however, finally give the dimensions l =22.254m, w=13.1m h=15.5m and 18m but he says:

- a) **“It is therefore reasonable to say that 8296/1A, 8296/1B, 8296/2 and 8296/4 represent the development which was approved in 1996 (the only difference between 1A and 1B being to the foundation detail).**
- b) 8296/14... You explain that you have measured the height from this drawing as 15.6m, and you seem to have assumed that is the riverside elevation, .... **In fact the 15.6m height is the height to River Drive and the height on the river side is some 3m greater.**

It is not reasonable to say that 1A and 1B are approved, 1B was not drawn till 1997 and neither that, nor 1A have even been seen by T&WDC. Only 2 and 4 can be said to represent the approval of 1996.

Either his interpretation of 1A or 1B is correct or mine of the agents drawing 8296/14 as both cannot be true because of the gradient and he gets round this dilemma by assigning the agent's drawing, 8296/14, to the wrong end of the enclosure.

On top of the misinformation he goes on to suggest that if you do wish to pursue this matter further you ask that my Head of Service, George Mansbridge to respond to any remaining points you may have formally under stage 2 of the Council's complaints procedure. This is the second misuse of the complaints procedure to be practised on me and two misrepresentation have been aired. These are repeated as facts in later correspondence.

- that 8296/1B represents the development in 1996;
- that 15.6m height is the planned height of River Drive;

I thanked him for confirming that the structure is a meter wider than planned, reminded him of the note on the drawing, “strips to draw back to each side to allow access for boats.”

The boats come up the slipway from the river which means 8296/14 is the river gable end detail and not the road end. He was also asked what made him determine that the elevation is the south end (road end).

In his response ([email 13-Feb-14](#)) he concedes the current structure is not built to “approved” plans. The rest is mostly verbiage to avoid answering the main question:

The current structure does not conform to any approved plans. How can the council justify allowing work to continue when condition 2, and I quote “The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications” has not been discharged?

In this email he is still trying to plug the unapproved drawings from 1996:

- 2- the status of the drawings-8296/2 and 8296/4 at A1 size are to the scale stated on each plan; it is therefore reasonable to say the four plans are consistent.
- 3- the current structure is not built to “approved” plans (n. b. see note above about the plans).....
- 4- why did we determine the elevation on 8296/14 is the south end? The drawing was submitted in discharge of condition 4 relating to fixing details of the end panels. Those details are the 1:10 sections and elevations at the left hand side of the sheet. The engineer chose to show a gable elevation of the structure (**not drawn to scale**) on the same drawing. It serves no purpose in discharging the condition. But neither does it conflict with the information to discharge the condition. I understand that on completion there is to be the opening on each of the gable ends.

He was being disingenuous when he said that there was to be an opening at the road end. It is to allow workers and goods into and out of the enclosure and is not much bigger than a domestic garage doorway, a bit higher, maybe, to allow a forklift truck to pass. It is not the portal drawn in 8296/14. The remark, "not drawn to scale" is irrelevant but:

- in the original complaint it was stated that a beam (portal column) width 0.686metres, with which the height and width of the north elevation can be gauged;
- it was not out of scale when he assigned the wrong gable end to it;
- to suggest it was not drawn to scale would appear to be a slur on the integrity of the draughtsperson;
- incidentally the gable end is drawn to a scale of 1:100 and on the full sized copy is 16cm high,

The Planning Manager finally conceded, mid February 2014, over five months since the first frame was erected that the enclosure is too high by some 3m. Very grudgingly in my opinion because one has to read the nearly all the correspondence to get the context.

### Summary

There has been a referral to the Council's Complaints Procedure before the material variation in width was established.

There has been a further referral to the Council's Complaints Procedure before the material variation in height was established.

There have been four misrepresentations aired:

- the drawings 8296/1A and 1B are approved;
- the drawing 8296/14 refers to the landward end of the enclosure;
- the drawing 8296/14 is not to scale;
- the dimension of the height of 12.5m to the hip of the landward gable end of the 1996/7 drawings is correct.

This section closes with:

From: Gordon.Atkinson

To: M Dawson

Date: Fri, 25 Apr 2014 12:43:07 +0100

Subject: feedback case 248789\* [NOT PROTECTIVELY MARKED]

Dear Mr Dawson

I'm sorry for the delay. Mr Mansbridge is hoping to get a comprehensive response off to residents by the end of next week.

Regards

Gordon Atkinson

\* it is the first time that Job Number 248789 is seen in any correspondence from the Planning Office.