

8th July 2017

Dear Cllr Anglin,

Re emails in January: please note that I sent a time/dated photograph provided by a neighbour to show that it was a complaint about Sunday working and not an allegation. Secondly, the Council had not registered any complaint about Sunday working therefore there is no current action.

Condition 5 had been written into the approval of permission for the cover: *“No works, other than the launching or beaching of vessels, shall take place within the shelter between the hours of 7pm and 7am Monday to Saturday and not at all on Sundays or Bank Holidays unless any written consent of variation is previously given by the Development Corporation as local planning authority.”*

The reason given for conditions 4 and 5 were: *In the interests of the amenity of the surrounding area, which includes residential and tourism/leisure related uses.*

Separately Condition 2 was also written into the approval: *“The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications.”* and the reason for condition 2 was: *To ensure that the development shall not vary from the approved plans.*

Condition 5 – Sunday Working

Customer Advocates who [wrote on 23rd January](#), and you were copied, said: “To clarify the Council’s position: The complaint you made regarding Sunday working was addressed in my email of 22nd December 2016.”

I called in person at the Town Hall in February to find that the complaint about Sunday working had not been addressed. It was not even acknowledged by the planner responsible but he passed it to Customer Advocacy to respond with a quote direct from the Local Government Ombudsman (LGO) Inspector’s findings:

16. The Authority’s (Council’s) view is that condition 5 should not have been imposed because the site already had the benefit of unrestricted working hours. I cannot comment on this. I do not know how the business operated in 1996 and it is too long ago for the Ombudsman to investigate.

My complaint to the LGO concerned condition 2 and as you can see the Inspector has quite rightly dismissed the Council’s views on Condition 5.

I had complained about Sunday working on 20th December and got the response about the LGO from Customer Advocacy a day later which was not a proper acknowledgement for a legitimate complaint. I copied you in as an independent witness as it reminded me of the responses given some three years ago when I first complained about the development by UK Docks on River Drive.

Condition 2 - Developments should be built to approved plans

I have asked you and your fellow Councillors to look at the [analysis](#) and the attached drawings that I sent you on the 21st April and I hope you have found time to read it.

To recap:

There is only one authorised drawing from 1996 with dimensions and that is 8296/2 and to reinforce a point, I have attached a detail from the copy provided by the Council because the heights have been dropped from the UK Docks copy. These figures show that the approved planned height of the cover at the road end is about 12.7m taking into account the difference in the reference datums at the footings of 0.6m.

Drawing 8296/14 plainly shows the river gable end drawn to a scale of 1:100 giving a height of 16m.

Both the approved drawings, 8296/2 and 8296/14 give an inland height of about 13m. It is more than coincidence they both give the same results. Customer Advocacy has told me that drawing 8296/14 could never supersede the previously approved plans in terms of defining the dimensions. They confirm the dimension to the hip of the hansom on the inland end of the cover shown on 8296/1A is wrong, it should be about 9.8m (12.5 – the gradient) and is probably why the version held by the Council has not been approved.

8296/1B is amendment to 1A made in February 1997 and is probably not legal. It is the drawing given by UK Docks to the Council on September 6th, forwarded to the protestors soon after and appeared on the planning portal till late November. It was also the drawing sent to me when I requested the drawing seen at the meeting in November.

Customer Advocates also wrote on the 23rd January: “The base width of the boat shed is a historic matter considered during your original complaint and therefore is not being acknowledged further in line with our contact restrictions.” On the width the Council are now correct but I just wish to remind you that until I went and measured the width of the cover for myself it appears that the Council had accepted the word of UK Docks on it.

There is no record of any measurements being made on site in the period February 2001 to March 2014 – [EIR 17772 Summary](#) and my measurement of the width made in November 2013 suggested that the cover was about a meter wider than planned, yet:

From: Principal Planning Officer

Date: Fri, 20 Dec 2013 09:17:46

Mr Dawson – once again – I have measured this on site and have copied the 1996 plans across to you twice already (attached again for your use) and I have explained during our meeting that the base and height of the structure are compliant...this is the end of the matter as far as I am concerned.

Please do not email me again.

I did not email him again but [raised a complaint](#) that the cover was not only a meter wider wider but 3 meters higher as well, using 8296/1B for the width and 8296/14 for the height. I got a reply from him saying: “My understanding is that the responses that I had provided to you at this meeting enabled the matter to be closed.” We were told at the meeting, which I believe you organised, that the structure was ‘legal’ though I prefer the description ‘the base and height were compliant’.

The main complaint: “Why was there no retrospective planning application when the applicant had not discharged condition 2” was not recorded. When planning receive receive a legitimate complaint it appears they simply do not properly record it – see page 1 re: condition 5. What is worse, this device to obscure wrongdoing has now spread to senior management. When I complained about the Council about misinformation and/or misrepresentation by them in supplying information to the Local Government Ombudsman this was not recorded either. It was simply denied.

Misuse of the Complaints Procedure

I could see the Council were mishandling my complaint about Sunday working in much the same way that my complaint about the structure not being built as planned. As it happened I did not require you as a 'witness' to the process because I called in to Town Hall to find out that the officer concerned had not recorded the complaint.

In 2014, I thought at first that the Principal Planning Officer (PPO) had not registered the complaint to keep the number of complaints about the size of the cover or shed down. You will have to ask him why he referred me to the Tyne Gateway Assn but the main point is that he did not register the complaint.

His [reply is evasive](#), he may wish for closure, he has already referred other residents to the complaints procedure rather than answer a direct question first posed in September 2013, about the planned height i.e. "Has the revised height of 15.5 metres been approved or is it in breach of the 1996 Planning approval?".

When his manager, to whom the complaint was [referred, 14th January](#), did a similar thing some two weeks later I realised that they were deliberately misusing the Council's complaints procedure to confuse matters and to misinform. The PPO by saying the base and height were compliant and his manager by saying the gable end elevation on drawing 8296/14 referred to River Drive when it clearly did not.

The Planning Manager did however register [a complaint, 248789](#) but it bore no resemblance to what I had complained about: i.e. the cover being 3 meters too high and a meter too wide with reference to 8296/14 and there was no mention of condition 2. This is, in my view, as bad as not being registered at all.

It is now clear that UK Docks handed one set of plans to the PPO claiming that the structure was 'legal' while their agents Maughan Reynolds Partnership were seeking approval of condition 4 with a different set of plans with the Planning Manager. It should be noted that the height details are missing from the longitudinal details of the UK Docks plans which show the use of the accompanying drawing 8296/1B to claim a road end height of 15.5m is wrong and probably fraudulent.

When I had wrung the concession on height from the Planning Manager (13-Feb "the current structure is not built to "approved" plans), we held a meeting, March 3rd 2014, where it was resolved to raise a Petition and that I should write to the Council and ask for the cover to be removed or at least for the Council to meet with us to discuss things. I took the caution of thanking the Planning Manager for confirming the shed was not built to the approved 1996 plans. I was referring to 8296/2.

They offered nothing but reverted to using 8296/1A or B when they responded to our Petition to claim that the cover was not 3m too high. I questioned the basis of the response i.e. the use of a discredited drawing to say the cover was built to the correct height but this was ignored by the Head of Development Services.

The conduct of all three officers leaves much to be desired. Not only had the two planning staff continued to say that the cover was compliant after having been told it was too high as well as too wide but the Head of Development Services reverted to the use of a discredited drawing to say that the cover was built to an approved height. Not only that, he used a misrepresentation of a detail on it to claim that the Council thought the planned width was 12.9m.

I think I have shown that if the PPO had been more honest with us at the meeting in November I would not have had to raise the complaint about its height. The residents group had been resurrected in October 2013 because we were getting no satisfaction from the Council on this and we believed the meeting in November was arranged to get some clarification. We got none, the PPO denied that the cover was too high yet provided no plans to justify what he was saying. I resent that I was put in a position where I could do no other than report to the committee of the TGA that the cover was the correct height although I knew it not to be true.

The Council have been avoiding height question since day 4, the afternoon of 9 Sept 2013 to be precise and continue to do so. In three and a half years of asking they have not been able to provide any plan/drawing that shows the cover has been built to the approved height.

You and your fellow Councillors can take sides with the Council if you wish but if you look at the approved plans you can do no other than agree that the cover is 2.7m too high. I think it is time, especially before work starts on the lengthening of the cover that the Council talk with us about the development as we requested in March 2014 and seek your good will to arrange such a meeting.

Yours sincerely,
Michael Dawson.