

From: mick.dawson@theharbourview.co.uk
Date: Thu, February 22, 2018 9:36 pm
To: "Paul Hepburn"
"Dave and Julie Routledge"
Cc: "Melanie Todd"
"Customer Advocates"

Dear Paul.

When you said last summer, "The thought of having to tell UK Docks to modify their new shed plus the repercussions it would have on the second proposed shed must give them nightmares." I thought it a very polite way of putting it because while it would have not caused not much in the way costs to the public purse if the Council had asked them to remove it before work was restarted on it in 2014 the cost would rise exponentially as each step was taken towards completion of UK Docks plan for the slipway off River Drive.

As one can see their plans bear little resemblance to that for which they were given permission and just look at the extra width at roof height, some 6m, to accommodate the travelling crane for a start. The gantry of which lay in the yard for several weeks at the end of 2013. If you remember the shed had stood a skeleton for four months while we argued with the Council about whether it had been built to the approved height.

When you let me know that the sixth frame was being put up in August last year you asked me how long I'd known that there were six sets of footings not the five for which UK Docks had been given permission. The answer is that I don't know and it does not matter but it probably matters to the Council judging by their reply my email to Councillor Anglin on the 8th August 2017.

UK Docks had more than 10 years to make a retrospective planning application but they did not. When the building inspector checked the footings in 2001, there was a note on the inspection report that the lowest two pairs had not been finished because of the tides but there is no indication of how many more there were. Similarly the Inspector did not report that they were set a meter wider than permitted.

It appears that UK Docks were planning a much larger shed than that for which they had been given permission and hid this from the planning office i.e. the people that determine whether there has been any material divergence from the plan. All we know is there is no record of the size of the footprint. We do not know what went on between the building inspector, UK Docks nor the planners but I think our claim that the Council were negligent (item 4 of the Petition) was justified.

The Council state that assistance of the public is often crucial to the success of enforcement action:

**AREA PLANNING GROUP & BUILDING CONTROL
ENFORCEMENT POLICY**

July 2008

6. Assistance from the Public

6.1 The assistance of the public is often crucial to the success of enforcement action by the Council. Due to the level of building activity being carried out in South Tyneside, it is not possible for the Council to identify all breaches of planning and building control, given the current staffing levels. The Council will encourage the public to provide any information that may assist in resolving an enforcement case. We will treat such information with confidence unless it is necessary to use it at an appeal or in court when the information will be made public. In such a case, we will seek the individual's consent before making it public.

They were told on 16-Dec-13 that it was nearly a meter too wide but denied it when they said the base was compliant.

They were told on 10-Jan-14 that it was 3m too tall as well as a meter too wide but it was denied it when the Planning Manager said “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.”

They were told on 8-Aug-17 that the sixth frame was not in the plan: “*The extra set of footings were very obvious once the frames were up in September 2013 and the Council still did nothing. All plans of 1996, whether approved or not, give an overall length of 22m not 27.5m. None of them show 6 frames.*” but it was ignored on the pretext that I was talking about a second shed so a formal notification was sent on the 15-Dec-2017 to, planning.enquiries@southtyneside.gov.uk:

The grant was for a structure length 22m, height 12.8m and width 12.2m and the footings were laid in 2001 to meet the first condition. The footings were made to suit a structure with 6 frames and of a length overall of 27.5m thus breaching the second condition.

This is not a minor material deviation from the permitted plan.

There has been no response to this and they have had two months to respond; perhaps because they are no position to deny it as they did with the height and width.

The denials on width and height seem to amount to serious misconduct by both the Principal Planning Officer and the Planning Manager and what was considered to be their abuse of the Council's Complaints Procedure was reported to their Manager, Mr Mansbridge, 4-Apr-14, but he did nothing about it.

Evidence that the two planning officers have been misusing the complaints procedure has been 'airbrushed out' by presenting an alternative history of events to the Ombudsman, paras 21,22 and 23, and misinforming her about what the plans actually say, paras 33 & 34, of the final draft, 15-Apr-15. The summary of it was then used to misinform other interested parties such as the MP for Northumberland about the shed.

What started of as a Planning Officer's mistake in telling some Residents and Councillors that the shed had been built to approved plans when it had been built without planning permission was to lead to the Council eventually giving misinformation/misrepresentation to the Ombudsman and so on. In brief the misrepresentations are:

1. Paragraphs 21-22: “Mr X says he told residents this at a public meeting. The Council accepts these measurements were wrong.” The Council did not accept the measurements were wrong and the public meeting took place after it was established that the shed was a nearly a meter too wide and nearly 3 meters to high.
2. If you still have the Council's response to our Petition you will see that Mr Mansbridge said, "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" but by the time we get to the Ombudsman's findings, paragraph 23, the departure in width is described as “non-material”.
3. A notated copy of 8296/14 was sent to the Council with the notice of the breach of condition 2 and I sent a copy of it to the Ombudsman with a brief explanation, [Jexplanation14.pdf](#) which I have attached and her response was, paragraph 33, “He says the Council cannot prove 15.5 metres relates to the land end not the river end. I do not agree.”
4. Similarly an explanation about the Council's favoured drawing was sent to the Ombudsman [Lexplanation1A.pdf](#) and although note 2. should be conditional “approved if one concedes that the river end is 15m”, it must have sown sufficient doubt in the Inspectors mind that a Senior Planning Officer sent her an amended copy from 1997: 1B - paragraph 34.

There was no mention of the height in the first draft of the Ombudsman's report and I realised that the whole complaints process should be turned on its head. The staff conducting the initial investigation could say what they wished because they knew at the end of the complaints process the Ombudsman could or would be used to gloss things over.

You can see now why they are so desperate to avoid the inconvenience of having to acknowledge the existence of the footings for the sixth frame especially as they form part of the application ST/0461/14/FUL submitted by the agents, Gary Craig Architectural Services to the Council in June 2015. It does not reflect well on the Planning Officer handling Phase 2 of the development, Gary Simmonette, either.

I'll copy this email to Customer Advocacy so they can look into the reasons for the complaint about the breach in planning control being ignored and I'll let you know how I get on though I do not expect any improvement on their email of the 11th August.

Kind regards

Mick Dawson - alias Mr X.

att: [Jexplanation14.pdf](#)