

## Commentary on 266872

### Initiation.

Unfortunately the Council do not reproduce a complaint when they respond to it so they can say anything they like about it; when I commented on the application: ST/0461/14/FUL: *Demolition of the existing single storey office block and workshop/winch house with additional office and storage accommodation on its roof. The existing buildings will be replaced with a new 2 storey office block, workshop with winch house and mezzanine floor to provide a staff canteen, managers office, kitchen and sanitary facilities, an extension to the existing boat shed, an additional boat shed (to match existing) and a new jetty. The existing vehicular access is to be relocated.*

I failed to record but it was something like:

As the council have admitted on Nov 24th 2014 that the existing boat shed has been built without planning permission it is nonsense for the Agents for UK Docks, Gary Craig Building Services Ltd, make the application to extend it then replicate it.

It is not clear if the the additional shed was to be the same length as the existing shed or some 5.5m longer. The drawings were no help in this respect either as the original shed was drawn with the extra length but the clue to what was going on was that no heights were given to any building in the new scheme. The rest of is laid out in response/repost pairs with a commentary below each:

### 1st Response.

From: Emma Anderson  
Sent: Thursday, February 05, 2015 11:19 AM  
To: mick.dawson@theharbourview.co.uk  
Subject: RE FBR - 266782, Planning application ST/0461/14/FUL [NOT PROTECTIVELY MARKED]

Dear Mr Dawson  
I am writing in regard to your recent feedback request 266782, and the planning application ST/0461/14/FUL.  
I have spoken to our planning department and they have advised that past issues do not affect the validity of any new planning applications and as such it is going through the normal planning process. We would not ask that it be withdrawn.  
If I can be of any further help please get in touch.  
Kind Regards  
Emma

Emma Anderson  
Performance and Information Support Officer

Planning have been spinning a yarn to Emma. It appears that Gary Craig was complicit in trying to hide the fact that the original shed is too high, either that, or UK Docks had not told him that the original shed was too high. It is 2.7m taller than the authorised drawings from 1996 allow. If anyone tells you otherwise [just point them in the direction of drawing 8296/2](#). He was also using foundations for a sixth frame laid in 2001 for which there was no permission. The important to note is that the complaint has been recognised and allocated a number:-

## 1st Repost:

From: Mick Dawson  
Sent: 27 February 2015 14:47  
To: Gordon Atkinson  
Cc: Emma Anderson  
Subject: RE FBR - 266782, Planning application ST/0461/14/FUL [NOT PROTECTIVELY MARKED]

Dear Mr Atkinson,

I think Emma has been wrongly advised by your office in her reply to me. I wrote: "Planning Application ST/0461/14/FUL - to paraphrase: for new offices, an extension to the existing boat shed and an additional boat shed to match the existing one. As the council have admitted on Nov 24th 2014 that the existing boat shed has been built without planning permission it would make good sense to ask the Agents for UK Docks, Gary Craig Building Services Ltd, to withdraw the application to replicate it. Please explain why this has not been done".

The important words here are "an additional boat shed to match the existing one" and it looks like Emma has not been informed or ignored the fact that the existing boat shed was built without planning permission. It would appear that whoever signed off the existing shed at the beginning of June was not working from approved plans or was turning a blind eye to the material divergence from the approved plan. Either way the application for the second shed is well out of order. It does not make any sense for this application to stand and even less sense for it to go forward to committee in its present state.

If you cannot agree with me then I am happy to treat your reply as a Stage 1 reply to a complaint and take it forward through the normal channels.

regards

Mick Dawson

I wrote to the Planning Manager and not Emma because her response had all the hallmarks of one of his replies. He knew it was too high as he had conceded the point in February 2014 but he had made his replies in such a way so that they could be taken out of context. The important bit is the point I raise about Building Control turning a blind eye to the fact that the shed is too wide and too high. [Email from Customer Advocacy 24-Nov-14](#). There is no mention of the height in her response of the 25th September.

## 2nd Response.

Notice he has concentrated the focus on the new shed and diverted attention from the fact that [existing shed is 3m higher than planned](#). The shed was 15.5m not the permitted 12.7m as shown by the drawing. Notice that Mr Atkinson has avoided saying that we were wrong about the height.

Subject: RE FBR - 266782, Planning application ST/0461/14/FUL [NOT PROTECTIVELY MARKED]  
From: "Gordon Atkinson" <Gordon.Atkinson@southtyneside.gov.uk>  
Date: Mon, March 2, 2015 4:31 pm  
To: "Mick Dawson" <mick.dawson@theharbourview.co.uk>  
Priority: Normal

Dear Mr Dawson

Emma was not wrongly advised by me when she replied to you.

The description on the current application of "an additional boat shed (to match existing)" is accurate, and the proposal is detailed in the submitted drawings. In your representations on the planning application you have made the point that the current slipway shed is considered by residents to have been built 3m higher than plans provided show. That observation will be reported when the application is considered by the Planning Committee.

Regards

Gordon Atkinson

## 2nd Repost.

Subject: FBR - 266782, Planning application ST/0461/14/FUL [NOT PROTECTIVELY MARKED]  
From: mick.dawson@theharbourview.co.uk  
Date: Wed, March 4, 2015 9:30 am  
To: "Gordon Atkinson" <Gordon.Atkinson@southtyneside.gov.uk>  
Cc: "Customer Advocates" <Customer.Advocates@southtyneside.gov.uk>

Dear Mr Atkinson,

Thank you for your prompt reply. I still think Emma was wrongly advised.

Since the application ST/0461/14/FUL and our responses to it were received by your office, events have moved on and Customer Advocacy have agreed with me and said that the shed has been built without planning permission, please see attached. It occurs to me that you have not been told this.

I say again; it would appear that whoever signed off the existing shed at the beginning of June was not working from approved plans or was turning a blind eye to the material divergence from the approved plan. Either way the application for the second shed is well out of order. It does not make any sense for this application to stand and even less sense for it to go forward to committee in its present state.

It would appear that the normal complaints system has failed. My former neighbours and I are back where we were when I wrote to you a year ago and the main difference now is that we have a fully operational shipyard on our doorstep that has been built without planning permission. Where do we go from here? Perish the thought that I will be writing again to you on 4th March 2016 complaining about two unplanned slipway covers.  
regards

Mick Dawson

The attached letter was the email from Customer Advocacy - the email of 24-Nov-14 see above. I go into more detail and remind him of some of the events leading up to the Council misleading the Local Government Ombudsman. He appears to have forgotten that he made 8296/2 available to us in January 2014. I was my choice to use 8296/14 because he approved it [October 2014 and it would have included any approved amendments](#) and the height was not one of them. I personally think that he did not notice that the draftsman had included beams and pillars in the elevation. As soon as I used 8296/14 in my original complaint he would have known that the game was up. The elevation is drawn to a scale of 1:100 and is 16cm tall though that is not what the Council told the Ombudsman.

## 3rd Response.

Subject: FBR - 266782, Planning application ST/0461/14/FUL [NOT PROTECTIVELY MARKED]  
From: "Gordon Atkinson" <Gordon.Atkinson@southtyneside.gov.uk>  
Date: Wed, March 4, 2015 3:58 pm  
To: "mick.dawson@theharbourview.co.uk" <mick.dawson@theharbourview.co.uk>  
Cc: "Customer Advocates" <Customer.Advocates@southtyneside.gov.uk>

Dear Mr Dawson

It was not a case that Customer Advocacy have agreed with you and said that the shed has been built without planning permission; what was said in Michaela Hamilton's email of 24/11 was that she was confirming, as previously advised, that the Council accepts that the structure does not have planning permission; she also explained the reasons for Mr Mansbridge's (Head of Development Services) decision that it was not expedient to take enforcement action.

Rather than it being a matter of me have not been told what the Customer Advocacy told you, the decisions on the planning aspects of the case are matters for Development Services and not for Customer Advocacy.

When we met on 8 July 2014, with Mr Mansbridge, we spent some time through the approved drawings-the height annotated on 8296/1A are 15.5m at River Drive and 18.156 at the Riverside. We explained then that 8296/14 is of no relevance in that matter (& in fact it was prepared after the steel frame had been erected). You say that a fully operational shipyard on your doorstep has been built without planning permission-that is not the case; the site's use as a boat yard and slipway has never been in doubt.

Regards  
Gordon Atkinson

What is the difference between 'the shed has been built without planning permission' and 'the Council accepts that the structure does not have planning permission'? His second paragraph makes no sense at all.

The meeting was arranged to view 8296/14 because it was relevant and I planned to show Mr Mansbridge that it had been approved by Mr Atkinson himself and showed that the planned height of the shed was 12.7 or 12.8m and not what the Council were saying (18.2m). One can now understand why the Planning Manager did not bring 8296/14 to the meeting; it would have shown him to be in the same league as the Directors of UK Docks and HB Hydraulics.

It was prepared in August 2013 and dated Aug 13. UK Docks started erecting the frame in September. The meeting was not arranged to view 8296/1A or 1B, both of which have been used to hide the truth about the height. His other lie concerns 8296/1A, which like 1B, was never approved, presumably because they also show the river end to have a height of 15.5m

### 3rd Repost.

Subject: Application ST/0461/14/FUL - 2nd Slipway Cover and Offices  
From: "Mick Dawson" <mick.dawson@theharbourview.co.uk>  
Date: Tue, March 10, 2015 11:55 am  
To: "Gordon Atkinson" <gordon.atkinson@southtyneside.gov.uk>

Dear Mr Atkinson

Thank you for your reply. When I first raised this issue I wrote:-

"Planning Application ST/0461/14/FUL - to paraphrase: for new offices, an extension to the existing boat shed and an additional boat shed to match the existing one. As the council have admitted on Nov 24th 2014 that the existing boat shed has been built without planning permission it would make good sense to ask the Agents for UK Docks, Gary Craig Building Services Ltd, to withdraw the application to replicate it." I will put it another way:

It would appear that whoever signed off the existing shed at the beginning of June was not working from approved plans or was turning a blind eye to the material divergence from the approved plan. Either way, it would appear that the structure is illegal and Mr Mansbridge's (Head of Development Services) decision that it was not expedient to take enforcement action is questionable. It looks like his decision not to take action on the existing shed is the reason that Uk Docks have been able to submit an application to build another one without anyone in your office questioning whether it is appropriate.

I would leave it here but for the record I must take issue with a few points in your last email.

You wrote:

*1) It was not a case that Customer Advocacy have agreed with you and said that the shed has been built without planning permission; what was said in Michaela Hamilton's email of 24/11 was that she was confirming, as previously advised, that the Council accepts that the structure does not have planning permission; she also explained the reasons for Mr Mansbridge's (Head of Development Services) decision that it was not expedient to take enforcement action.*

I have looked again at what Michaela Hamilton was confirming and that was that the shed was built a meter wider than planned. There is no mention of height i.e. being built 3m higher than planned. Mr Mansbridge interpretation of the drawing 8296/1A, fifth paragraph in his letter to me 2nd June does not ring true. As I pointed out to you at the meeting held on 8th July the drawing shows a height of 15.5m at both ends. If you look again at the drawing you will see that the 12.5m height to the hip at the River Drive end is given incorrectly. It should by scaling be 9.75m giving a height of 12.75m and not as Mr Mansbridge says (15.5m).

*2) Rather than it being a matter of me have not been told what the Customer Advocacy told you, the decisions on the planning aspects of the case are matters for Development Services and not for Customer Advocacy.*

Customer Advocacy answered my letter to the CEO and hence they pull rank over the Head of Management Services although they can only work on what he leaves for them. The discrepancy between the planned height and the built height has been overlooked for example. He says in Para 4 "That would represent a significant deviation from the approved scheme" and then dismisses the height question altogether.

*4) When we met on 8 July 2014, with Mr Mansbridge, we spent some time through the approved drawings-the height annotated on 8296/1A are 15.5m at River Drive and 18.156 at the Riverside. We explained then that 8296/14 is of no relevance in that matter (& in fact it was prepared after the steel frame had been erected).*

Mr Mansbridge said (Para 6 of the same letter) that he would be more than happy to meet with me and show me the relevant plans and elevation(8296/14). I do not know if you had been instructed to bring these drawings to the meeting but they were not discussed. If the drawings had been shown I would have been able to illustrate how relevant they are. This was as shame as my partner and I had travelled all the way from Amble to discuss these drawings in particular. I had used the drawing 8296/14 to illustrate my point that the planned height at the River Drive end was 12.6m in my correspondence with you in Jan/Feb last year. It rather confirms my point about the indicated planned height on drawing 8296/1A. Do I have to go through this again to persuade Mr Mansbridge that he is wrong not to consider the deviation in height?

*5) You say that a fully operational shipyard on your doorstep has been built without planning permission-that is not the case; the site's use as a boat yard and slipway has never been in doubt.*

*Regards  
Gordon Atkinson*

It was a boatyard, it is now a shipyard. My and, I may be a bit presumptuous here, 300 others, opinion.

Regards  
Mick Dawson

PS. yesterday I received the Ombudsman's draft decision (summary below) and you will notice that the height of the shed is not mentioned. This may be something to do with originator of the complaint. It was raised by someone other than I and the finger points directly to Management Services:

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, he had 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 first draft of the Ombudsman's Findings was received by both the Council and I. One only has to scan it to see that like Customer Advocacy the authors had both avoided the question of height and the extra with was reduced to being *a non-material consideration*. The Head of Development Services the head said it was 'material' in his response to our Petition was actually one of the few things he got right.

#### 4th Response.

Subject: RE: Application ST/0461/14/FUL - 2nd Slipway Cover and Offices [PROTECT]  
From: "Customer Advocates" <Customer.Advocates@southtyneside.gov.uk>  
Date: Thu, March 12, 2015 1:19 pm  
To: "mick.dawson@theharbourview.co.uk" <mick.dawson@theharbourview.co.uk>

This email has been classified as: PROTECT

Dear Mr Dawson

Your email to Mr Atkinson has been forwarded to our team as your complaint on this matter has exhausted the Council's complaints procedure and is now with the Local Government Ombudsman's office.

We have received the Ombudsman's draft decision on your complaint and if you feel there is anything you raised with the investigator which has not been addressed by them, you should contact them directly as the Ombudsman base their investigation on the issues you raise with their office. They have asked for any comments on the decision to reach them by 30 March 2015.

kind regards

Alison Hoy  
Performance and Information Support Officer  
Customer Advocates Team

The first thing to notice is that Alison has marked her response as [PROTECT] and the other is that there is no longer any link to 266782, it might have been my mistake to drop the reference number from the title but Mr Atkinson had clearly taken the opportunity to pedal two more lies about the drawings and to use Alison to make this possible:

1. That the meeting of 8-July was about 8296/1A - [it was not, it was about 8296/14\\*](#);
2. 8296/14 was drawn after the frames went up in September 2013 - it is dated Aug 13.

to some of the ones he has already made:

- that 8296/1A was approved;
- that the gable end on 8296/14 referred to the road end;
- the gable end was was not drawn to scale;

The complaint that it was unreasonable to accept a planning application to extend a building that had been built without planning permission has disappeared and again he has used Alison to assist.

\* The email about the meeting was sent to the Head of Development Services and copied to Customer Advocacy. It stated very clearly the truth about the height and she did not incorporate into her investigation