

Complaint: 248789 - Inappropriate Development on River Drive

Date: 23/01/2020 (05:50:15 PM GMT)

From: mick.dawson@theharbourview.co.uk

To: Keith Palmer

Cc: Emma Lewell-Buck MP, BUCK, Simon, Cllr Angela Hamilton, Cllr David Francis, Cllr Anglin, Peter Cunningham, Hayley Johnson

Attachments: toKP23-Jan-20\_Refs.pdf

23-Jan-20

Dear Mr Palmer,

You seem to have done some homework before our phone call on Monday the 13th but if you had paid attention to the facts rather than opinions based on fraudulent misrepresentations you would have come to the conclusion that UK Dock's shed is 3 meters taller than planned. This can be [confirmed by examination of the authorised drawing 8296/2](#).

Many of the protesters including me had suspected it was wider as well as taller than planned before the meeting held at the Town Hall in November 2013. I confirmed that it was nearly a meter wider than planned when I measured it for myself shortly after the meeting.

The Gazette 9-Sep-13 reported that UK Docks had said: "*All I can say is that we have been through all the controls with the planners, and the work meets all the necessary legal requirements. All we are doing is going ahead with the previous planning permission.*"

The clue that something was wrong is the word 'legal'. They had permission for a shed some 22m long x 15.5m high at the river end and 12.2m wide but it was soon clear that they had set out to build the shed 27.5m x 18.2m x 13m and there is nothing illegal in them in them doing that but it is misinformation to say that they are going ahead with previous planning permission.

I wrote to Cllr Anglin, 16-Dec-13, advising him and the other attendees at that meeting that the shed was wider than planned: "/I have measured the structure concerned and it is a meter wider than the date stamped plan provided. [Therefore the footings placed in 2001 must have been set a meter wider as well.](#)/ and I received two responses, the first from Cllr Anglin, 19-Dec, and the second from Peter Cunningham himself a day later:

\* Please see below the reply from Peter.

*"Hello – I confirmed at our meeting with Mr Dawson and others on 25th Sept Nov 2013 that I had measured the width and length of the ground floor external footprint and height of the structure and that these dimensions were all [in accordance with the attached approved drawing](#).*

\* *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](#).*

The first copies, dated 1997, were given to him by UK Docks, 6-Sep-13, do not clearly show the river end height as 15.5m but the third copy was from 1996 and it does clearly [show the river end as 15.5m as well as the landward end](#) which gives a landward end of 12.8m. It does not take long to realise that the landward end was wrong because it has been wrongly dimensioned and I had Worked that long before the meeting, from the longitudinal section, the unnumbered drawing also given to Mr Cunningham on September 6th.

All the copies he sent clearly show the planned width to be 12.2m. The actual width is 13.1m and if Cllr Anglin had looked at the drawing he would have seen that I was right about the width and that Mr Cunningham was, to put it bluntly, wrong. There is a possibility that Cllr A could not read and understand a drawing and Mr Cunningham was relying on that. There was the possibility that Mr Cunningham does not understand drawings either but I didn't think it likely.

When discussing whether a structure has been built within the permitted remit it should be a given that approved drawings are used. I think you will have to agree with me that passing off ones with mistakes as approved drawings is deceitful to say the least, and would be better described as fraudulent misrepresentation.

If you look at the Tyne Gateway Assn (TGA) minutes there is a claim from [Mr Ken Haig that the drawing seen at the meeting was from 1996](#)[6]. Mr Haig was not to realise it but there are only two approved drawings in the Council's archive, one has no dimensions [but the other 8296/2 gives a height at the road end of 12.7m](#). You can tell that it is approved because it bears the Tyne and Wear Development Corporation authorisation stamp.

After that email of the 20th December there was no way back and it meant that the Council had to continue repeating the lie that there was no material variation in height and this includes all those dealing with the complaint. Emma and Cllrs Hamilton and Francis are excluded of course.

He had possibly not realised that on 10-Dec-2013 the Planning Portal had reopened. It had been down since the 25th November, a happy co-incidence for Mr Cunningham but a considerable nuisance for residents who were trying to establish the truth about the height of the shed. Truth will out as they say and we discovered that 8296/1B had been replaced by 8296/14 and it included a scale (1:100) drawing of the river gable end which was about 16.3cm by 12.5cm or 16.3m x 12.5m in real life.

I have not had access to the actual drawing but the copy the planning portal gave the dimensions of the columns and beams with which one [could calculate the dimensions of the gable end](#). It was [another resident who pointed out its provenance to me](#).

It was very obvious that the representative from UK Docks had tried to deceive the Council by presenting drawings that were missing vital details and containing errors and I think the Council must have been aware of it in September 2013 because work on the shed stopped for 3 months while it they decided what to do about it. You will have to ask the Council/UK Docks why the site remained as quiet as a grave for all that time if you think my reasoning is flawed but I suspect both were waiting on the outcome of the meeting held in November at Cllr Anglin's request.

It appears that neither UK Docks nor the Council had realised that one could calculate the approved height from the drawings provided because any side elevation includes the gradient and that is very clearly 2.7m and one could measure the actual width without the access to the site by [sighting along the columns from Greens Place](#).

We were told at the meeting that the shed was compliant when it was not and the Council [covered this up by misusing their own complaints procedure](#). I would like to draw your attention to the second page of Alt-CP and particular paragraph 20 of the Ombudsman's findings:

#20 I actually wrote to Adele: *"That they were not laid in accordance with the authorised plans (1m too wide) was overlooked by the Council."*

She said: *"In response to the draft of my decision Mr X says because the foundations are too wide the permission was not lawfully implemented."*

The Council do not use lawful to mean approved and I want to make it very clear that I do not do so either. If the word lawful has occurred in anything I've written, I have been quoting the likes UK Docks, Mr Haig, Director of HB Hydraulics, or Cllr Anglin. The example in #20 shows more than anything else the level of complicity between South Tyneside Council and the Local Government Ombudsman and I suggest you ask Mr Haig what he was doing on Tyneside if he was not touting for business from the likes of UK Docks.

It was Mr Haig's extension of his pair of Tyneside Flats into what we see today that alerted me to the fact that the Council misled the Ombudsman to cover up the fact that they did not follow their own guidelines for redevelopments – SPD9, allowed the extension to occupy 100% of the yard, allowing the raising the roofline by two meters to accommodate another story and finally allowing Mr Haig to build what he wished to build rather than what we was permitted to build.

Mr Wilson, Director of UK Docks followed him a year later in building what he wished for, rather than what was permitted and it looks like the building inspectors (Mr Cunningham?) turned a blind eye to both developments.

The two paths taken by myself, for each complaint, through the Council's Complaint Procedure bare a remarkable similarity to each other. Neither of the complaints were upheld by the Ombudsman and both Mr Haig's and Mr Wilson's developments are still standing, although if you study the plans or drawings for them, you will see that they have both been built without planning permission.

I focused my attention on Mr Wilson's shed because it is a visible reminder, as long as it stands, of how the Council corrupt the complaints procedure and misuse the office of the Local Government Ombudsman.

It was clear from the Ombudsman's first daft when she did not mention the height at all that there was some sort of collusion between her and the Senior Planning Officer.

[That was when I first wrote to Emma. ZA4803 is the case reference](#) and this eventually ended up with Anne-Marie Trevelyan and in the response to it I am accused of making allegations; /The matters and allegations raised by your constituent are well documented and have been subject to a number of enquiries from Mr Dawson/.

It is not an allegation to say that the shed is taller by nearly 3 meters, it is the truth, nor is it an allegation to say that the shed is a meter wider than planned. The author, a Mrs Hayley Johnson has [deliberately mislead Anne-Marie by that statement](#) and you will notice that the letter is appendix 6 and Mrs Johnson did not copy me in when she made that accusation against me. I have asked Customer Advocacy to let me have a copy of the main letter and the other attachments but they have declined to make them available. Perhaps the Council can explain to you why they were not being made available.

After my call to you in Emma's Office in South Shields I realised that I can provide new evidence of wrongdoing and that was a complaint to the CEO, [Mr Swales about STC and the LGO](#).

Mr Tilbury implied that I should give him all the details and he would write to the Council but after I had compiled it I thought that I would just send it straight to the Chief Executive myself.

Central to this complaint is the comment: *//I ask you to look again at this because there is a clear contradiction between what the Council were telling the LGO and what is known. Why your staff*

*should misrepresent the facts to the LGO is for you to determine. That they have misinformed the LGO should be admitted and corrected and that is what this letter is about./*

The person asked to respond to the complaint, Mrs Hayley Johnson, did not admit that the Council had misled the Ombudsman; she just said there was no evidence of misinformation given to them. If so, how did the Ombudsman conclude the following?

*/The complainant says the shed is also 3 metres higher than it should be. The Council says it is not. There is no fault in how the Council decided the shed is the permitted height./*

She also did not register the complaint either which shows she had no intention of correcting the misinformation (lies in common parlance) and they still remain in the Ombudsman's findings. Forever, by the look of it. A Council Solicitor quoted from them when [I complained about Cllr Anglin's conduct](#). When I did actually complain directly to the Ombudsman he just said my complaint remains that of my original complaint!

It is obvious to me, and it should be to you, that South Tyneside Council use the Ombudsman to hide wrong decisions and then use their findings to mislead the MP and everyone else, and you suggest nothing is done about it. My point is they should stop doing it and I have tried to do that but failed and turned to my MP and she, assisted by Cllr Hamilton should have done it but they too have failed but at least they got a response out of UK Docks.

I put it to you that someone thought of a clever way to circumvent planning regulations by misleading the Ombudsman and don't think for one second that it was STC. News has obviously flown round that your Council has messed up and we, who discovered the process, must be closed down and that is why Emma was deselected and Cllr Hamilton excluded from the Labour Group. The last person is now me and it looks like you have been appointed to shut me up as well.

It is for this reason that I think Emma should raise the issue in Parliament; to find out if other Boroughs were playing the same trick, but that is her choice not yours. I have discovered that if the Council do not wish to handle a complaint honestly they simply do not register it so there is no audit trail and they can ignore it and do or say what they want.

By saying that you will just file my correspondence away, it appears that you condone such behaviour.

I'm sure Emma and Cllr Hamilton do not share your view or they would not have persevered and been told that UK Docks had been given permission for their shed retrospectively and we now know that to be a lie. Maybe you can tell me why they lied about being given retrospective permission.

M Dawson