

Dear Mr Palmer,

Destroying Evidence

I've been following the Inquiry into the Grenfell Fire Disaster and I picked up a comment that building control were at fault but evidence pointing to that conclusion had been destroyed. Further more, people were withholding evidence from fear of prosecution.

When I sought legal advice about UK Dock's shed I was advised that it was probably a case of criminal fraud but the police were unlikely to do anything as they would say it was a planning matter and a civil action made no sense as it would cost a lot and possibly fail. I wholeheartedly agreed with the suggestion that we should go down the line that the Council had misled Local Government Ombudsman especially because I had previously had noticed the Council had led me down that path before, when they promoted the development of 71 and 72 Greens Place.

Not long before UK Docks started on their shed I'd come to the conclusion that the Council were misusing their complaints procedure to hide two things:

- the lack building control;
- planning decisions made contrary to normal rules and conditions.

The detail of how it had been done was then still a bit of a mystery but why they were hiding it was not: it was because they employ two distinctly different standards of building control depending on who you are. I get a letter from the enforcement officer asking me to explain why I have used plastic instead of metal drainpipes on the rear of my house whereas a first floor and a roof terrace wall built higher and longer than planned on my neighbour's at 71 Greens Place was overlooked completely. One might ask why Mr Haig was allowed to build a roof terrace in Greens Place in the first place as it was totally out of character with the rest of the terrace and anyone could lean over and hurl abuse at someone 2 floors below in the adjacent yards i.e. neighbours on both sides had lost all privacy. The neighbour on the other side, Mr Watson was not in a position to complain as he was dependant Mr Haig for his living. Mr Haig being a Director and Mr Watson a procurement officer for HB Hydraulics at that time.

More importantly Mr Haig had reverted to his original plans for the first floor and that was the main reason for the Council placing retrospective planning request his behalf ST/0749/13/FUL otherwise he would have to had replace the bulk of the wall with a fence at the correct height.

The Council have since overwritten that planning request with a new one, ST/0749/13/HFUL and by doing so hid all the evidence of the fact that Mr Haig had reverted to his original plans for first floor. As far as I know the former, FUL has been completely overwritten by HFUL i.e. it had been destroyed. Also I had queried the double standards with them by comparison with another property but instead of giving my point any consideration they removed the plans that had been amended for the other property from the public domain and for all I know they had been destroyed as well. Finally when I pointed out to the Ombudsman that Mr Haig had reverted to the original plans they replied that I would have to go right through the complaints system again.

From what I had seen of the Council's complaints procedure, I knew that would be a complete waste of time to do that, especially as the Council and the Ombudsman appeared to be acting as one body. One could see that the Council were abusing their complaints procedure to hide malpractice and then using Local Government Ombudsman to hide that.

I was wondering whether to write to my MP, then David Miliband, about it when the frames for UK Docks shed started to go up, 5-Sep-13, and I have to thank another resident for the presence of mind for getting, and circulating, the plans given to Mr Cunningham by UK Docks, before he closed it all down. Apart from a dialogue about what plans we had been viewing at a meeting 25-Nov-13, and the validity of my findings that the shed was wider than planned we had little in writing from the Council from September until late December:

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

Principal Planning Officer, Mr P Cunningham, 20-Dec-13

Please note the last copy of the plans he sent, was from 1996 but the first two copies sent were made in 1997 and were later used to deceive the Ombudsman. What I did not foresee was that they would use the Ombudsman's findings to ward off any enquires made by other interested parties such as MPs, the Press and anyone else seeking a fair decision from the Council.

Back to September 2013

I did not pay much attention to the goings on the slipway as I assumed, as anyone would, that UK Docks had permission to build the shed and anyway I was still working out how to progress the lack of planning control over 71 Greens Place.

Like UK Dock's enclosure or shed, it had been built without planning permission and that is lawful as I have since discovered. Apparently it is not against the law to build without planning permission. It is, however, a fraudulent misrepresentation to say that it had been approved and that goes for the works at number 71 Greens Place as much as the shed on River Drive.

When the Planning Officer, Mr Cunningham, refused to tell a neighbour whether UK Dock's shed had a planned height of 15.5 or 12m, 9-Sep-13, and promptly referred her to the complaints procedure it confirmed for me that there was something wrong with that development as well. I then looked more closely at the copies that had been circulated amongst the protestors, and noticed the mistake, the wrong dimension, at the landward end of the plan almost immediately. The proportions of the dimensions on the landward end were not right.

Turning to either drawing, 1A or 1B, the mistake on the drawing which they were using to claim that the shed was built to the approved height, was the 12.5m dimension. I first thought that it should be pointing to the top of the shed, not to a point some 3m below. On reflection, it should point to the hip of the mansard but be reduced from 12.5 to 9.7m, the gradient between each end being 2.7 not 3m and the height of the shed at the landward end was therefore 12.7 not 12.5m and definitely not the 15.5m as shown. It is probably safe to assume that the drawing was never authorised because because of that mistake.

As the Principal Planning Officer was refusing to talk with us and a meeting with Emma's staff proved fruitless we held a meeting at the Littlehaven Hotel and decided to resurrect the Tyne Gateway Assn which had been allowed to go dormant under the stewardship of the vice Chair, Mr Watson. I actively supported the proposal because I thought the then Vice Chair would stand down because of his business interests. We had considerable trouble in doing that as he proved to be uncooperative and at what should have been an extraordinary general meeting to elect a new Chair before any other business he was returned to as Chair by a show of hands to the post of Chair. Technically he should have left the meeting where we could have discussed his suitability for the post and Cllr Anglin was witness to the fact that he did not withdraw and what was worse Mr Haig assumed the post of Treasurer as no-one else was prepared to stand.

Thus control of the Association was passed, 9-Nov-13, to two individuals with an interest vested in UK Docks and you now see the consequences, a slipway shed built without planning permission on River Drive and it appears that Cllrs Anglin and MacMillan were party to it. The third Councillor, Chairman of the Planning Committee had made his excuses and was absent.

I did not believe Mr Cunningham at all when he told us at the meeting in November that it was not built higher than planned. I also did not believe him when he said it was not wider than planned, 12.2m, so I measured it for myself shortly after that Town Hall meeting. It was found to be 13.2m. Some of the Tyne Gateway Assn will remember I said that a boy scout with a couple of badges could have measured it from without the site. I was thinking of the height when I said that but we had been told that was 15.5m high so there was no need to calculate it we had not been told its width which was 13.1m.

What this ex-Scout did not realise was that parallax errors would amplify any misalignment of the pillars more than tenfold because of the distance and therefore my measurement would have included that and suggest a misalignment of the pillars of about 10mm, or 100mm from where they were measured in Greens Place. This only goes to illustrate the skills of the steel erectors who assembled the structure and mine as a surveyor.

It did show that UK Docks were very obviously working to a different set of plans than those approved and I have included a detail from the plans given to Mr Cunningham by UK Docks and the photograph taken before the fifth frame was erected which show this quite clearly. Nor were they building to the

plans submitted on the 30-Sep-13, 8296/14 either and you can see that for yourself. Please note the gable shown is the river end. You should be aware that boats are hauled up the slipway from the river. When I let the attendees of the meeting know that the shed was wider than planned 16-Dec-13 I was only confirming what UK Docks and Mr Cunningham already knew. He had measured it in September, 13.1m, and the plans all showed it was supposed to be 12.2m:

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.

The case that the shed had been approved was crumbling but the site appeared to be standing idle. The publication of drawing 8296/14 on the 10-Dec-13 and its provenance, the Decision Notice ST/1146/13/COND from 14-Oct-13 changed things as it showed the planned height of the river end of the shed to be about fifteen and a half meters and confirmed my assessment of the error in the other end's dimensions to be correct.

My experience with both Haig and Watson, Treasurer and Chairman of the now defunct Assn showed that the complaints procedure could be rigged and I looked at the drawings to see if there was some way we could avoid it and there was. It was to forget about what UK Docks had given to the Council for any argument to use the Agent's Drawing exclusively because it would have shown any approved amendments to the scheme and you can see that height was not one of them.

This showed the structure failed the 2nd condition of the grant on two counts, being too tall as well as too wide and building control had done nothing about it and when Mr Cunningham wrote on the 20-Dec-13 that it was compliant he was probably lying. Both UK Docks and I certainly knew by then that it was not only wider but taller than planned and it seems unlikely that he should not have known that either.

The publication of 8296/14 showed that Mr Cunningham was being economical with the truth at the meeting when he said that the shed was compliant but at least he did not confuse the issue as did Cllr Anglin, 1-Dec-13, by using the term 'made legally as per drawings seen' to mean approved.

Apparently Mr Cunningham had measured it on September 17th and found it to be 15.5m x 13.1m at the landward end, but there is no record of any inspection by the Council on that date. There was no explanation of why he was doing the Building Inspector's job and why his supposed trip to the site was not recorded.

Regardless of that, the Agent's Drawing 8296/14, had landed on his desk on the 30-Sep-13 and that shows a detail of the river gable end of about 16cm x 12.5cm which translates directly into meters, at the scale used (1:100). If you ever get hold of a copy you can measure it for yourself. In my observations, 10-Jan-14, I gave them as 15.6m x 12.2m but then I was working from a drawing on a screen. His response was:

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.

Mr P Cunningham, 13-Jan-14

The query I raised was new, nobody until the 10th of January 2014 had ever referred to 8296/14 nor had anybody asked the question: "As the applicant has not discharged condition 2 why is there no retrospective planning application? This now begs the question why did UK Docks tell Cllr Hamilton that they had permission for the shed we now see:

Hi Mick, I appreciate your arguments, but this far down the line there is nothing we can do. Angela has talked to several relevant people, and the point is the council gave retrospective planning. Which they are allowed to do.
Regards Julie

1-May-19

It took me until 19-Dec-19 to establish that the Council had not received a retrospective planning application from UK Docks but no matter, the important thing is the fact that we have been right all along about the height of the shed was confirmed. UK Docks by saying that they had been given retrospective planning had admitted that their shed was 2.7m taller than planned.

If it was only a question of width we would have had to concede the point but they needed a taller and longer shed to make their business viable and they got one with the aid of the Council pretending that 8296/1A and 1B were approved and then being prepared to spin a pack of lies to the Ombudsman.

I suspect they had not asked for it to be reviewed retrospectively as they dared not risk that not only would the fraudulent misrepresentation about the height would have come to light but the fact that an extra set of footings been laid for a longer shed in 2001 would have come to light also. I would have made sure of that by producing my photo of the slipway taken in 2010.

The future of the shed depended on the outcome of that meeting but Cllr Anglin had downgraded it to an informal one so there was no requirement on the Council to produce approved drawings to substantiate their and UK Dock's claim that it was the approved height. There are none and they have been evasive or in denial about it ever since. Again and I cannot stress this enough, my observation on the 10th January 2014 was that the shed had not been built to any approved plans and the Council had done nothing about it.

As late as December 2018 the Council were still using the same piece of misinformation generated in January 2014 in a response to avoid the truth about shed:

The Ombudsman found no fault in how the Council determined the permitted height of the landward end of the development was 12.5 metres plus 3 metres.

Gill Hayton, 11-Dec-18

This piece of misinformation first appeared in January 2014 after I had sought a coherent response from someone else because the response made on the 13th January by the Principal Planning Officer made no sense and does not answer the question: "As the applicant has not discharged condition 2 why is there no retrospective planning application". It was:

Approved Drawings: 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.

Mr G Atkinson, 15-Jan-14

I will just say at this point that this lie kept reappearing long after it had been should have been put to rest and UK Docks finally killed it off when they told the ward Councillors and Emma's Office that they had been given permission, retrospectively, for their shed and the Council confirmed that that was a lie as well in their response to a Freedom of Information Request on the 19th December 2019. Six years, almost to the day, that the Planning Officer wrote:

Mr Dawson – once again – I have measured this on site 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.

Yours sincerely
Michael Dawson

PS – the new evidence is drawing 8296/2 which confirms that the shed 2.7m taller than permitted.