

The first line of the address and postcode have been omitted on this copy and I have corrected 23 to 21 in the first line of the table. MD 15-Jan-2020

Amble
Northumberland
9th April 2019

Dear Mr Harding,

Councillor Anglin, UK Docks and the Enclosure on River Drive

Gill Hayton's response to my complaint about Cllr Anglin and the Town Hall meeting of 25-Nov-13 is not sound but she does say I may ask you to review her decision if I am dissatisfied.

Her decision appears to be based on three misrepresentations given to the Local Government Ombudsman (LGO) by a Senior Planning Officer of South Tyneside Council:

LGO

- 1 21. The Council accepts these measurements were wrong.
- 2 31. The applicant stated the height at this end as 12.5 metres plus 3 metres making 15.5 metres.
- 3 23. It decided the degree of departure from the plans - less than one metre - was "non-material."

Gill Hayton

5. The Council later accepted that the measurements as taken in 2013 were incorrect.
6. 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.
5. The Council decided not to take enforcement action against the developer and considered the degree of departure from the grant of planning permission was "non-material" given the overall scale of the building.

The paragraph numbers in Ms Hayton's response have been added by me. Her statements are virtually straight lifts from the Ombudsman's findings and the first is a complete fabrication. The measurements were not wrong. When I wrote to Cllr Anglin on the 16-Dec-13, I was just confirming what the Principal Planning Officer (PPO) found 3 months before. Similarly with the height and the formal complaint of 10-Jan-14.

The second is a fraudulent misrepresentation of the plans and if Ms Hayton had troubled to look at the authorised plan 8296/2 she would have seen that the Senior Planning Officer was deliberately misleading the Ombudsman. When I first raised a formal complaint with Planning Enquiries on 10-Jan-2014 and pointed out that the enclosure (shed) was a meter wider and 3 meters taller than permitted, I got this response from the PPO:

"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.

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."

Principal Planning Officer, 13-Jan-14

and 2 days later from his Manager:

“Approved Drawings – The following are details of the relevant drawings in the Council’s possession. 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.”

“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. “

Planning Manager, 15-Jan-14

Note: – the measurements where made by the PPO on 17-Sep-13 and the complaint on 10-Jan-14. 8296/1A does show a height of 15.5m at the landward end but it is a mistake on an unauthorised drawing. What the Planning Manager does not say is that the river end is shown as 15.5m as well and that is not a mistake as confirmed by the authorised drawing 8296/2. The copy of 8296/2 sent to the PPO had the details about the height removed and did not show the authorisation stamp of the Tyne and Wear Development Corporation.

The third was an invention by the Senior Planning Officer which I should not have to explain except to say that the increase in width was a material consideration when the measurement was made on 17-Sep-13.

Cllr Anglin had promised to find out for us if the shed was built to the permitted height but failed to do so. The drawings supposedly seen at meeting suggested that the shed was in fact higher by nearly 3m, though it could also be used misleadingly to say otherwise. See top of page. Added to that, he returned to us with the lie that that there was no variation in width.

I had not told him but we had proof that the shed is actually nearly 3m higher than permitted by the Council publishing drawing 8296/14 on 10-Dec-13, so we can also reasonably claim that we were misled (height and width) when the PP O asked Cllr Anglin to relay the message:

“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 and planning permission.”

Councillor Anglin, 19-Dec-13

Cllr Anglin and the PPO had already lost any credibility when they agreed to drop any consideration of whether the shed had been built to plan (condition 2) from the agenda:

Cllr Anglin has spoken to Graeme and informed him that he is meeting with Peter Cunningham next week with a view to clarifying that procedures have been followed correctly and ascertain future proposals for site. It was suggested that someone from the committee should attend this meeting; Graeme will contact Cllr Anglin and ask if the committee can be represented. Graeme and Mick to attend, and others if appropriate.

Minutes of the Tyne Gateway Assn, 15-Nov-13

Graeme and I did attend and Ken Haig turned up as well. They may have been happy to accept the word of the PPO but I was not and I have not excused Cllr Anglin for including me with them when

he said: "The Exec representatives of the Group accepted that the construction had been made legally as per drawings seen." They may have been happy to support UK Docks but I was not.

I went and measured the width; Graeme Watson, by implication Mr Haig, and the PPO, all questioned how I had managed to do it without gaining access to the yard. This has to be made very clear to everyone involved and until I get an apology from Cllr Anglin I will continue to remind everyone that he is to blame for the shed being there in its present form. When I get the apology the blame will then rest entirely on the PPO, he has left it a bit late to shift the blame onto UK Docks.

We could see from the drawings provided that the height was not in accordance with the plans but until we had an approved drawing any argument was pointless. I'm surprised that the PPO and others could not see the logic in this but then they, UK Docks/Council, needed the error on an unapproved drawing to justify their view that the shed has been built to the approved height. It appears that I did not make this point clear to Gill Hayton:

Drawings 1A or B could be said to represent the approved plans if the height dimension on the river end, 15.5m, is accepted as true rather than that on the landward end. Bearing in mind both of these drawings give a planned width of 12.2m one could reasonably say that the shed was a meter wider than permission allowed from 2001 and 2.7m taller than permission allowed from the 5th or 6th September 2013.

Michael Dawson to Gill Hayton, 11-Dec-18

There is no confusion about the width, the planned width is 12.2m and found by the PPO to be 13.1m though this was denied at the meeting, then by Cllr Anglin and again by the PPO and lastly the Planning Manager. This was put right by the Head of Development Services in his letter to the Petitioners:

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.

Mr G Mansbridge, 2-May 2014

It got changed, 1st to: no material harm in a Stage 3 response and eventually to paragraph 23 of the Ombudsman's findings; "It decided the degree of departure from the plans – less than one metre – was "non-material.". This is a very good illustration of how the Council manipulate their own complaints procedure and the good offices of the Ombudsmen to cover for the fact that the PPO did not tell the Enforcement Officer about the breach planning control.

UK Docks had made the footings wider in 2001 and told the Council that they had been approved and the issue should have been sorted out when the PPO measured the structure in September 2013. The PPO had the opportunity to concede the point about the shed being wider than planned at the meeting in November 2013 but he declined. He was given another chance when I wrote to him via Cllr Anglin a few weeks later but he continued to deny that the shed was wider than planned.

It looks like neither UK Docks nor the PPO had worked out, now that the pillars were upright, they pointed directly to the footings. It also appears that they did not realise that the removal of the vital dimensions from the left hand edge of 8296/2 made no difference because one could still gauge the planned height shed from the gradient. Maybe he had not spotted that the vital dimensions on 8296/2 give lie to the proposition that there is no or only slight variation in height as well.

When UK Docks got the OK to restart work on the shed in January 2014, I realised that no-one had actually put in a formal complaint to the Council about the shed not being compliant with the second condition and that the meeting at the Town Hall had been had only been a window dressing exercise for the benefit of UK Docks and or the Council.

In this context please ask Ms Hayton to forward you, her copy of the email that I sent to Cllr Hamilton on the 27-Mar-19. The email included my original complaint of 10-Jan-14 and a letter explaining the whys and wherefores of the UK Dock's/Council's dishonesty.

I invited her, Ms Hayton, 11-Dec-18, to look at drawings 8296/2 and ../14 but it is apparent that she has either not looked at them or misunderstood what they mean or else she could not, in all honesty, have replied as she did. I now invite you to do the same and say what is the planned height (authorised) of the shed on River Drive and what is to be done with my complaint of 10-Jan-14.

Yours sincerely,
Michael Dawson