

Appleton,
WARRINGTON,
Cheshire.

20th. February 2006

Mr. Clive Sutton,
Planning Officer,
Development Control,
Environmental Services,
Warrington Borough Council,
New Town House,
WARRINGTON, WA1 2NH,
Cheshire

Dear Mr. Sutton,

Objection to Planning Application No. 2006/07415 for the new Stockton Heath Primary School and the proposed demolition of the existing buildings:

I **object** to the building of the new school building and the demolition of the existing buildings on the following grounds:

The Planning (Listed Buildings and Conservation Areas) Act 1990: Section 69:

I **object** to the current planning application on the grounds that the local planning has failed in its duty under *Section 69 (2)* of the above Act '*... to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas*'. The current boundary of Stockton Heath Conservation Area is too-tightly drawn. The evidence for this is that three major buildings at the centre of Stockton Heath are Edwardian (two of which are listed) and a prominent terrace of shops is Edwardian. Stockton Heath Primary School is a prominent Arts and Crafts/Edwardian building in very close proximity to the boundary of Stockton Heath Conservation area and should, therefore, be included in the conservation area. Indeed, English Heritage's Advisers Report (15.12.2005) on Stockton Heath Primary School's potential as a listed building advised:

*With its attractive composition, scale and massing, and identity as a key landmark structure within the local community, its removal would represent a significant loss. Were the school to be situated in a conservation area (i.e. Stockton Heath) it would **undoubtedly** be regarded as an asset **enhancing** the local character and one to be retained'.*

Clearly, English Heritage think that the school could easily be situated in Stockton Heath Conservation Area and would **undoubtedly enhance** the conservation area. Thus, not to include the school in the conservation area would, therefore, be a serious dereliction of its **statutory duty** under the 1990 Act to enhance the area. Warrington Borough Council should, therefore, willingly accept the Government's own specialist and national conservation adviser's recommendation and include the school in the Stockton Heath Conservation Area. To oppose this advice or to take no heed of it by not extending the conservation area boundary to include the school and not demolishing it would be a highly perverse and wilfully contrary decision on behalf of the Council. This also indicates that the independent professional opinion of the Council's own conservation officer should have been sought long ago. Another glaring omission in the application documentation leaving the Council open to ombudsman complaint.

Warrington Borough Council, being the local planning authority, is, therefore, attempting to determine this application contrary to the said Act and without due regard to its responsibilities and duties under the Act. Because it has not fulfilled its duty to review the boundary under the

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said Act it is attempting to determine the application on insufficient and flawed information and guidance.

Best Value Performance Indicators 219 (a-c)

I object to the current planning application on the grounds that the local planning authority has failed in its duty to review the current boundary of the too-tightly drawn boundary of Stockton Heath Conservation Area as required by BVPI 219 (a-c) and is, therefore, attempting to determine this application without due regard to its responsibilities under the BVPI 219. Consequently, it is also attempting to determine the application on insufficient flawed information and guidance. (see also above)

The Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72:

I object to the current planning application on the grounds that the local planning authority has failed in its duty under *Section 72 (1)* of the above Act that, in the exercise of its planning functions, '**special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area**'. The planning application reveals that in the exercise of its planning functions Warrington Borough Council as the local planning authority has NOT paid **special attention** to preserving or enhancing the character of Stockton Heath Conservation Area as required, not just by the Act, but also by disregarding government guidance in *Planning Policy Guidance 15: Section 4.14* (see below)

Planning Policy Guidance 15: Planning and the Historic Environment: Section 4.14

I object to the current planning application on the grounds that the local planning authority has failed to take heed of government guidance in *Planning Policy Guidance 15: Section 4.14* states that '*... The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the handling of development proposals which are **outside** the conservation area but would affect its setting, or views into or out of the area. Local planning authorities are required under section 73 to publish a notice of planning applications for development which would in their opinion affect the character or appearance of a conservation area.*' Warrington Borough Council, as the local planning authority, has not considered the desirability of preserving the area by proposing the demolition of a major Edwardian building of local interest (especially being on the Council's local list of Buildings of Local Interest) and attractive styling (see English Heritage's Adviser's Report (15.12.2005). Furthermore, the Council will not enhance the Conservation Area by building a bland, featureless and squat new building to replace the current attractively styled school. Importantly, the Council has not published the notice required by Section 73 and, therefore, the planning notice should be re-published. If this procedure is not executed, the Council would be guilty of maladministration.

Planning Policy Statement 1 (2005)

I object to the current planning application on the grounds that the local planning authority has failed to take heed of government guidance in *Planning Policy Statement 1* as in the following extracts

Planning Policy Statement 1 (2005) states in paragraphs:

The Government's Objectives for the Planning System:

- 4) One of the four aims of **sustainable** development in its 1999 strategy is:
 - **effective protection** of the environment (no. 2)
- 5) Planning should facilitate and promote **sustainable** and inclusive patterns of urban and rural development by:
 - **protecting and enhancing the natural and historic environment**
- 7) Plans should be drawn up with community involvement and present a **shared vision** and strategy of how the area should develop to achieve more sustainable patterns of development.

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- 8) Local communities, businesses, the voluntary sector and individuals have a right to a high quality service that is fast, **open, transparent** and consistent
- 11) The planning process already offers local communities **real opportunities to influence how they want their areas to develop. More effective community involvement is a key element** in the Government's planning reforms. This is best achieved where early engagement of **ALL the stakeholders** in the process of plan making..... This helps to identify issues and problems at an early stage and **allows dialogue and discussion of the options to take place before the proposals are far too advanced.**

National Planning Policies: Key Principles:

- 13 (iv) Design which fails to take the opportunities available for improving the character and quality of the an area should not be accepted. (see also paragraphs 33-39)
- (vi) In developing the vision for their areas, planning authorities should **ensure** that communities are able to contribute to ideas about how that vision can be achieved, have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies, **and to be involved in development proposals** (see also paragraphs 40-44)

Protection and Enhancement of the Environment:

- 17) The Government is committed to protecting and enhancing the quality of the natural and **historic environment**, in both rural and urban areas.....
A high level of protection should be given to the most valued townscapes
- 18) Planning should seek to **maintain and improve** the local environment.... through **positive policies** on issues such as design, **conservation** and the provision of public space.

Community Involvement:

40. 38) Community involvement is vitally important to planning and the achievement of sustainable development.

Planning Policy Statement 1: Design:

I object to the current planning application on the grounds that the submitted planning application has failed to take heed of Government guidance on design (see extracts below) in that the proposed building is bland, squat, poor in detail and general form and possesses an alien roof form. The attempt to blend in with the surroundings are merely superficial and surface gestures. The design is very derivative copying many modernist cliches as illustrated in the modern architectural press. It is hardly an innovative design.

- 34) Design which is **inappropriate** in its context, or which fails to take the opportunities available for **improving the character and quality of an area** **shall not be accepted.**
- 35) Key objectives should include ensuring that developments:
- respond to their local context or **re-inforce local distinctiveness.**
- 39) ... It is, however, **proper to seek and promote or re-inforce local distinctiveness** where this is supported by clear plan policies or supplementary planning documents on design.
- 13 (iv) Design which fails to take the opportunities available for improving the character and quality of the an area should not be accepted. (see also 'Key Principles' above)

UDP Policy BH6:

I object to the current planning application on the grounds that it is contrary to Warrington Borough Council's Planning Policy BH6 which commits the Council to protecting Buildings of Local Interest in the borough from demolition. There are no planning reasons to support its demolition since the existing building can accommodate the future educational requirements. The reason for the demolition of the existing school building and its replacement by a new building is alleged lower costs. This is not a valid or sufficient reason for the Council: to act contrary to its own policies, to act contrary to its statutory duties specified in the principal urban conservation act, to act contrary to a myriad of Government guidance and policies and to fail in its BVPI 219 objectives.

The Town and Country Planning Act 2005: Section 38

The planning application does not accord with the development plan i.e. the UDP BH6 and cannot justify the material planning considerations which require a departure from that plan. You will be aware that this planning application would be liable to a judicial review when the courts could quash this decision.

The Planning Notice:

The Planning Notice (to residents, in newspapers and generally fixed on lamp-posts etc.) must advertise that the application is a departure from the Council's UDP policy BH6 in order that the public is fully informed so that they can object on valid planning grounds. If this has not been done, then the Council would be guilty of serious maladministration notifiable to the Ombudsman.

Since this is a Council planning application, such a verdict would be hugely embarrassing.

The Planning Notice (to residents, in newspapers and generally fixed on lamp-posts etc.) must advertise that the application is of wider public interest in order that the wider public is fully informed so that they can object on valid planning grounds. There have been over five thousand people objecting to this application, so the Council cannot remotely argue that there is no wider public interest. This is strongly buttressed by PPS1. If this has not been done, then the Council would be guilty of serious maladministration notifiable to the Ombudsman.

Since this is a Council planning application, such a verdict would be hugely embarrassing.

The legitimacy of the Council as the local planning authority to determine the application:

I object to the current planning application being determined by Warrington Borough Council as the local planning authority since it intends to act against its own UDP Policy BH6. In such cases, the planning application can only be determined by the local planning authority but only on the condition that the authority justifies the **material planning consideration** which outweighs adherence to policy. If the authority does not justify the material planning consideration, the determination of the planning application is **unlawful**.

The application documentation does not even mention that the development is contrary to BH6 which is a very serious omission leading unlawful determination: and the wider public needs to know and understand this and make objections accordingly. The 'cost' reason for the new-build application is NOT a **material planning consideration**. I would contend, therefore, that since there is no possible material planning consideration by any stretch of imagination, both the determination and the development would be unlawful.

Insufficient and poor information sufficient for informed public comment and professional assessment in order to determine the application:

I object to the current planning application being determined on the basis of the current application documentation because it is hugely deficient in information and discussion and is, therefore, inadequate for any kind of determination.

This inhibits full and proper community involvement, informed assessment and comment as

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required by PPS 1

Absence of the Conservation Officer's Report:

I object to the current planning application being determined on the basis of the current application documentation because it does not incorporate the independent assessment and recommendation of the Council's historic environment advisor: the Conservation Officer. This inhibits full and proper community involvement, informed assessment and comment as required by PPS 1.

Absence of a recommendation of the Archaeologist:

I object to the current planning application being determined on the basis of the current application documentation because it does not incorporate the independent recommendation of the Council's archaeology advisor. This inhibits full and proper community involvement, informed assessment and comment as required by PPS 1.

Absence of a transportation study and highway impact:

I object to the current planning application being determined on the basis of the current application documentation because it does not incorporate the analysis, assessment and recommendation of independent professional transportation consultants and highway engineers. This inhibits full and proper community involvement, informed assessment and comment as required by PPS 1.

Yours sincerely,



James R. Gibson

cc David Whitehead, Chief Executive
Debra Lewis, Conservation Officer
Democratic Support Unit
Stockton Heath Primary School
Campaign Group