

Michael Ashton and/or Kim Brocklehurst,
Spatial Development,
12th. Floor,
Government for the North West,
City Tower,
Piccadilly Plaza,
MANCHESTER, M1 4BE

Cheshire.

9th March 2006

Dear Michael Ashton and/or Kim Brocklehurst,

Application for the Restriction of the Granting of Planning Permission by Warrington Borough Council for Application 2006/07415 by means of an Article 14 Direction of the Town and Country Planning (General Development Procedure) Order 1995 with a view to Calling-in of the same Application under Section 77 of the Town and Country Planning Act 1990 determination by Refusal of that Application which is for the:

Demolition of Stockton Heath Primary School (being identified as a Building of Local Interest) which is contrary to :

- **Warrington Unitary Development Plan: Policy BH 6,**
- **Sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as advised in Para. 4.14 of PPG 15**
- **and other Government Planning Advice in PPS 1 and PPG 15**

and its replacement by a new school building.

Warrington Borough Council is due to grant itself Planning Permission for the above application being contrary to the policies in its own Unitary Development Plan. Warrington is attempting to determine the application without having fulfilled its statutory duties under Section 69 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as advised by Para. 4.14 of Planning Policy Guidance 15. It is also attempting to determine an application whilst disregarding the wealth of Government advice on public consultation, urban conservation and other design advice given in PPS 1. I view this application as being such a serious and flagrant departure from Warrington's own planning policy, the statutory duties imposed upon it in a principal planning Act and a plethora of government advice that granting permission would be both willful and perverse.

I would, therefore, like to request that the Government Office for the North West imposes an indefinite restriction on Warrington Borough Council under an Article 14 Direction **urgently** and **immediately** on this application followed by a call-in under Section 77 of the Town and Country Planning Act 1990. The restriction in granting of planning permission and the calling-in of the application will **not** interfere with central government objectives of improving the education provision in Warrington. Government education standards will still be achieved by improving facilities in the existing Arts and Crafts building which was the alternative approach considered by Warrington (yet discounted by the Borough's education service). The granting of permission by Warrington Borough Council (if lawful) would be for estimated fiduciary benefits which Warrington Borough Council have not exposed to public scrutiny and challenge

This intended granting of planning permission is also against the principles of natural justice in that the application is intended to be determined by Warrington Borough Council which has a vested interest in the outcome as the applicant; especially when the application is so contrary to clear UDP policies, the law and government advice. In this case, Warrington Borough Council is applicant, agent, assessor, judge and jury in this execution of its planning powers. No court in the land possesses these powers. It is my intention to petition the Local Government Ombudsman if Warrington Borough Council continues in its undemocratic and secretive approach to planning procedures, public consultation and not fulfilling its statutory duties; even though reproach by the

JAC,

Ombudsman is, in my experience, often inadequate to remedy flawed procedures and decision making. And the Ombudsman cannot overturn a poor decision.

The report of the case officer, **Mr. Clive Sutton (01925- 442819)** is due to be made public on: **Monday, 13th. March 2006**

Warrington Borough Council's Plans Committee is due to consider the application on: **Monday, 20th. March 2006**

Consequently, it is urgent that you examine and consider my request immediately since once/if permission has been granted on 20th. March 2006, the situation would be virtually irreversible and an important Arts and Crafts building as a Building of Local Interest will be lost. (I strongly disagree with the decision of the inspector of English Heritage not to list the building)

My objections to this planning application and its procedures are explained in the attached correspondence to Warrington Borough Council. You may be aware that this application has aroused such immense local opposition that there are five and a half thousand objectors the signatures which have been presented to the DCMS by the local campaign group. The concerned citizenry of south Warrington feel very much that they have been marginalised and shabbily treated by Warrington Borough Council by their views not being taken into account as advised by PPS 1. I have considerable sympathy for them since, in my experience as a previously very active member of Warrington Civic Society, Warrington Borough Council has a less than illustrious record on public consultation and involvement in the planning process; particularly in respect of the historic urban environment which has suffered significant dereliction, demolition and unsympathetic enhancement. This application perfectly demonstrates the Council's dictatorial approach to public 'consultation' which has been manipulated by using a very narrow constituency at the educational brief preparation stage. As far as I am aware, no public meeting has ever been held with a view to seeking public opinion on this planning application or listening and responding sympathetically to public concerns. The public have been presented with a *fait accompli*. (see my letter to the Chief Executive) Furthermore, the documentation lodged for public inspection has been so poor and padded with irrelevant bore-hole data and assertions about the quality of the new building without making any reference to the superior qualities of the old building, that it was seriously inadequate as a source of information such that the public could be fully informed and, therefore, could address the central planning issues. e.g. that demolition of the building was contrary to the Council's UDP policies, that the proposed development affected the setting of a conservation area, that the proposal had been formulated without the Council fulfilling its statutory duty or taking heed of government advice. The transportation documentation consisted of generalities relating to school traffic generation.

In view of my objections, I anticipate that the case officer's report, due on 13th. March 2006, will attempt to address some of the points in my letter in order to tick the right boxes in order to assert that all relevant points have been considered. For example, the conservation officer has now written a report for the case officer, but when I first phoned her, she had not been consulted by the case officer and there may be an attempt to deny that the building affects the setting of a conservation area when it clearly does impact both views in and out of the area (see attached plan).

The Chief Executive of Warrington Borough Council has sent a holding letter to me and has promised to respond after some time but, by that time, the application is most likely to be determined. I believe that there are important issues at stake in this application which are much bigger than the application itself. The issues are to do with planning authorities establishing written formal and transparent internal procedures; abiding scrupulously by their policies in both letter and spirit; openness, transparency and accountability in local government (which the Government is keen on); being professional and responsive in involving local people in decision making; the proper execution of planning law and the commitment to heeding government advice.

Please consider my application by taking action. I am informed that it is unusual for you to act for the 'little people'; but who is to advocate and guard the public interest in such circumstances.

Yours sincerely,



James R. Gibson, B.Arch. (Hons), MCD, RIBA (AABC), RTPI, IHBC.

cc Stockton Heath Primary School Campaign Group