

## Den Dover MEP for North West England



E-mæ

David Whitehead  
Chief Executive  
Warrington Borough Council  
Town Hall  
Sankey Street  
Warrington WA1 1UH

March 19<sup>th</sup> 2006

Dear Mr Whitehead

### Request for Cancellation of Development Control Committee set for Monday 20<sup>th</sup> 2006

### Planning Application 2006/07415 by Warrington Borough Council for Demolition and Rebuilding of Stockton Heath Primary School, Stockton Heath, Warrington, Cheshire

I am writing to inform you that between 6pm and 7pm on Friday March 17<sup>th</sup> 2006 Titi Windapo of the Schools Capital Division, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT sent two emails, one to Mr S H Taylor of 148 Walton Road, Stockton Heath, Warrington WA4 6NS and one to myself making it abundantly clear that the Capital Funding allocated to Warrington Borough Council under the Targeted Capital Fund 2005-2006 could not be used for refurbishment, but only for demolition and rebuilding of the school.

The Chairman of the Stockton Heath Primary School Action Group, Richie Wells of 39 Westbourne Road, Stockton Heath, Warrington WA4 6SE has sent to you and the Council Solicitor an email including all the detailed correspondence that led up to this categorical statement from the DfES.

I would point out that this very late statement by the DfES is totally at odds with the letter of May 20<sup>th</sup> 2005 sent by Tim Warren of Warrington Borough Council to All the Stakeholders of Stockton Heath Primary School. In this letter he stated that "After seeking further clarification with the DfES it has been confirmed that it would be possible to either rebuild the school or refurbish and remodel the school. Therefore two feasibility studies have been commissioned to establish which will be the best option to proceed with."

In view of the above, the consultation process set out in this letter was fundamentally flawed and a complete waste of time, effort and money. What is now needed is written evidence sent to me by email by noon on Monday March 20<sup>th</sup> 2006 that the DfES did indeed give their approval to the funds being used for rebuild or refurbishment. Failing that I must request that you cancel the Development Control Committee set for Monday evening March 20<sup>th</sup> 2006 so that an inquiry can be carried out into this most important matter.

I will telephone you first thing on Monday 20<sup>th</sup> to alert you to the situation and I have also sent a copy of this email to the Council Solicitor. (A copy of this email/letter has also been posted to you).

Yours sincerely

**Den Dover MEP**

**Stockton Heath Primary School, Stockton Heath, Warrington, Cheshire**  
**Application 2006/07415**

**Reasons for issuing 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**

**Contravention of Unitary Development Plan Policy BH6**

The school is a Locally Listed building. "Development proposals likely to have an adverse effect on a building or structure included on the Local List will not be permitted unless it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the particular local architectural or historic value involved, AND that any damage is the minimum necessary to enable the development to proceed."

**Failure of Council to review the Stockton Heath Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990: Section 69 (2), also Sections 71 and 72**

The Council has failed in its duty "...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." Despite the Council having expressed its intention to keep conservation areas under review they have not reviewed any. 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 Adviser's Report (15DEC2005) 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 it would **undoubtedly** be regarded as an asset **enhancing** the local character and one to be retained'.*

Not to include the school in the conservation area would be a serious dereliction of its **statutory duty** under the **1990 Act Sections 71 and 72** to enhance the area. 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 said Act it is attempting to determine the application on insufficient and flawed information and guidance.

**Failure of Council to properly consider the effect of the demolition and rebuilding of the school on the setting of the Stockton Heath Conservation Area, particularly because the new building would be clearly visible from within the Conservation Area**

**Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 67 and Section 73**

The Council, having failed to review any of its Conservation Areas, has also failed to consider in good time whether the development "would...affect the setting of a listed building(s)" in the Stockton Heath Conservation Area that is only 70 metres away from the school land. The proposed major development would be clearly visible from the land between the three major buildings in the Conservation Area, namely the Police Station, the Mulberry Tree and the Red Lion (all built around the same time as the school). Notices have not been posted/published and the application should not be considered before 21 days have expired from the date of such posting/publication. The removal of a large area of open land (school land) within tens of metres of the Conservation Area affects its ambience and "setting."

**Failure of Council to take into account the updated views of English Heritage and the Secretary of State for Media Culture and Sport**

The Minister for Culture, David Lammy MP, has referred back to English Heritage their recommendation of December 15<sup>th</sup> 2005 regarding Listing of the school. This is to allow English Heritage to take into account the Roman remains on the site, archaeological/heritage matters and whether they consider the building should be retained in view of it having "survived intact with no unsightly additions" and the petition of over five thousand local residents opposed to the demolition. It would be premature and impolite to ignore the views of the DCMS Secretary of State and English Heritage, due to be received in early April.  
*Den Dover MEP for North West England* *March 19<sup>th</sup> 2006*

**Sent:** 20 March 2006 01:22  
**Attach:** Letter to Chief Executive.doc  
**Subject:** FW: URGENT Request for cancellation of Development Control Committee set for Monday March 20th URGENT

-----Original Message-----

**From:** DOVER Densmore  
**Sent:** Mon 3/20/2006 1:17 AM  
**To:** dwhitehead@warrington.gov.uk  
**Cc:** hnorris@warrington.gov.uk  
**Subject:** URGENT Request for cancellation of Development Control Committee set for Monday March 20th URGENT

**VERY URGENT**

Dear Mr Whitehead

**Stockton Heath Primary School, Stockton Heath**

I attach a copy of a letter sent to you today Sunday March 19th 2006 about information received from the Department for Education and Skills late on Friday March 17th. I will telephone you about this matter early on Monday morning March 20th and trust you will have the letter in your hands by the time we speak.

I have also sent this email and the attachment to your Council Solicitor.

Yours sincerely

Den Dover MEP for North West England

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20/03/2006