

22nd. January 2007

Ms. Jo Lappin,
Director,
Planning Implementation. Transport and Europe,
Government for the North West,
City Tower,
Piccadilly Plaza,
MANCHESTER, M1 4BE

Dear Ms Lappin,

Application for the Restriction of the Granting of Planning Permission by Warrington Borough Council for Application 2006/09551 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 5** concerning Buildings of Local Interest and **BH8** concerning developments outside a Conservation Area which affect its setting.
- **Section 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, PPG 15 and Circular 08/2005: Paras 8 + 12** and that of not properly implementing the advice of:
- **District Audit: Management Letter to Members, Warrington Borough Council: Audit 1999/2000. 4th December 2000. Section 5: Fraud and Corruption: Paras 38-39 + Exhibit 4**

and its replacement by a new school building.

On 20th. March 2006, the Planning Committee of Warrington Borough Council roundly overturned (by a vote of 7:1) the Planning Officer's recommendation to vote against the Council's own UDP policies which support the retention of and minimum damage to a significant Building of Local Interest, namely Stockton Heath Primary School. Warrington Borough Council, having failed completely in the first application, is for the second time due to attempt to grant itself Planning Permission for the above second and repeat application which is exactly the same as that in March 2006 (except for a few architectural details). Thus with the same planning issues and considerations as before (since nothing has changed), Warrington's current Planning Committee is about to come to an opposite conclusion and overturn the previous vote ! How perverse is that ?

For the second time in succession, Warrington Borough Council is seeking to give itself planning permission for the demolition of a significant Building of Local Interest directly contrary to Warrington's **UDP Policy BH 5** which states:

LOCALLY IMPORTANT BUILDINGS and STRUCTURES of ARCHITECTURAL or HISTORIC INTEREST

Buildings and structures which, although not of national listed building status, are valued for their contribution to the local scene as good examples of local architectural styles or for their historic associations, will be included on a local list produced by the Council. 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.

To be included on the local list, a building should be substantially unaltered and retain the majority of its original features and either:

- 1: be a good example of a particular local building type, craftsmanship, architectural quality, style or detailing, or*
- 2: display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events.*

Upon an application for listing, English Heritage's Adviser's Report (15.Dec 2005) concluded that the building did not meet the criteria for listing* but 'With its attractive composition, scale and massing, and identity as a local 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.' This fits criteria (1) of BH5 above. Clearly, Warrington Borough Council is being wilfully perverse.

Warrington Borough Council is also seeking to give planning permission to a modernistically styled structure which demonstrably does not enhance the setting of the Conservation Area directly contrary to **UDP Policy BH 8** especially when English Heritage have praised the enhancing qualities of the existing school. The major buildings within Stockton Heath Conservation are all Edwardian as is the existing Stockton Heath Primary School. (See BH8 items 2, 3 and 5)

BH8 DEVELOPMENT IN CONSERVATION AREAS

Development within conservation areas, or which although outside a conservation area affect its setting, views in or views out, should preserve or enhance the character or appearance of the area. Development which would be detrimental to the character or appearance of a conservation area will not be permitted. In general this will include:

- 1. the display of advertisements which are unsympathetic to the particular character of the conservation area by reason of size, design, illumination, or materials;*
- 2. development which would adversely affect the setting and character of listed buildings (including the local list);*
- 3. development inappropriate to the character and appearance of the conservation area by reason of unsympathetic siting; scale; height; bulk; shape; roofline; colours; or materials;*
- 4. unsympathetic alteration of or addition to shops and commercial premises including blinds, awnings or canopies, and security measures which are of inappropriate design, colour, or materials;*
- 5. development which would adversely affect the historic and established urban grain, including plot size and shape; plot arrangements; building footprint; bulk and roofline; pathways; lanes; alleyways; streets and open spaces, including important spaces between buildings.*

In addition to being wilfully contrary to the policies in its own Unitary Development Plan, Warrington Borough Council is openly abusing its powers for its own end contrary to Government statute under *Section 70A(1)(b)* of the 1990 Act and the Secretary of State's **instruction** in *Circular 08/2005* concerning repetitive and subsequent applications. *Section 70A(1)(b)* states: 'A local planning authority may decline to determine a relevant application if -(b) the authority think that there has

been no significant change in the relevant considerations in the relevant event'. *Circular 08/2005, para 8 instructs* 'Local planning authorities **should** use the power to decline to determine repeat applications only where they believe that the applicant (Warrington Borough Council) is trying to wear down opposition by submitting repeated applications.' *Circular 08/2005 para 12 further instructs* 'where an authority considers that an application is similar, it is not automatically obliged to decline to determine the application. **However, local authorities should be mindful of the intention** (i.e. of the SoS) **behind this power. It can be a major source of frustration to members of the public and the local community to have to deal with a repeat application when they have already dealt with the original application and seen the development refused.** (my bold). It is very clear that Warrington Borough Council is abusing its powers by giving itself favours which it is duty bound not to give developers. (i.e. *Circular 08/2205*, the Secretary of State instructs '**should**'). It is important to appreciate that this planning situation has been going on for at least two years and it is quite evident that the local planning authority is deliberately trying to wear down very strong opposition from the local community.

You should also be aware that on 4th. December 2000, the District Audit's 'Management Letter to Members: Warrington Borough Council; Audit 1999/2000' criticised the Council's slack planning procedures as regards minutes and records when dealing with developers under the heading of 'Fraud and Corruption' : Paras 38 and 39 and Exhibit 4. As far as I can ascertain (and I have questioned several committed and interested parties) there are no publicly available fully detailed Minutes of the then Planning Committee of 20th. March 2006 (despite repeated requests by others) giving cogent planning reasons as to why the Committee overturned the Planning Officer's recommendations as required by District Audit six years earlier. This information would be especially relevant to the coming Committee on 1st February 2007 so that they can be fully informed of the consequences of the determination they are about to endorse. And this is SIX years after District Audit's report of December 2000. Warrington Borough Council needs a thorough investigation.

Also for the second time, Warrington Borough Council is attempting to determine an 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. Warrington Borough Council is also attempting to determine an application disregarding unequivocal Government advice on public consultation, urban conservation and other design advice in PPS 1. I view this repeat 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.

It is also against the principles of natural justice that the application 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 unequivocal UDP policies, law and government advice. In this case, Warrington Borough Council is applicant, assessor, judge and jury in the execution of its planning powers. No court in the land possesses these powers.

The report of the case officer, **Mr. Clive Sutton (01925- 442819)** is due to be made public on:
Friday, 26th. January 2007

And Warrington Borough Council's Planning Committee is due to consider the application on:

Thursday, 1st February 2007

Consequently, it is urgent that you examine and consider my request immediately since once permission has been granted on 20th. March 2006, the situation would be almost irreversible and an important Arts and Crafts building of the North West will be lost

My objections to this planning application are explained in the attached correspondence to Warrington Borough Council; and they are many and detailed and are valid planning objections. You may be aware that this application has aroused such immense local opposition such that there has

been five and a half thousand objectors; the signatures of whom have been presented to the DCMS by the local campaign in the previous application. The citizenry of south Warrington feel very much again that they have been marginalised and shabbily treated by Warrington Borough Council and their views not taken into account contrary to PPS 1. The people are somewhat desperate and I have some sympathy for them since, in my view and as a previous very active member of Warrington Civic Society, Warrington Borough Council has a poor track record on public consultation and involvement in the planning process. This current application perfectly demonstrates the Council's rough and dictatorial approach to public consultation. As far as I am aware, no open public meeting has been held for this repeat planning application with a view to seeking public opinion, listening and responding sympathetically to public concerns. Again, the documentation lodged for public inspection has been poor such that it has been difficult for the public to assess the real planning issues. The 'heritage' consultant's report accompanying the application leaves much to be desired in that its sole purpose is not to evaluate the conservation planning issues and inform the planning authority of law and government advice, but to advocate and support the demolition of a designated building of local interest which is in perfect physical condition thereby giving a fig leaf of an excuse for the local planning authority to demolish the school.

Finally, it is important to understand this application in the context of the enormity of Warrington's abject failure to preserve its historic architectural heritage and urban character. There is no better public record of this calamity than in the latest Pevsner guide: *Buildings of England: Lancashire: Liverpool and the South West: Richard Pollard and Nikolaus Pevsner 2006* which observes wryly that: '*half of the fifty-two buildings listed by 1968 have been demolished and others exist only as facades.. This has done much to destroy the pleasant Georgian character noted by Peter Fleetwood-Hesketh as recently as 1955*'. (p.603) *Prosperous motorway Warrington is blighted by a general poverty of urban design and architecture; the retail shed, distribution warehouse and suburban estates are its defining characteristics*'. (p. 604). This is a searing indictment of the past performance of the Planning Service in Warrington in preserving the borough's architectural heritage which is continuing today in this vein. This continuing disregard of Warrington's architectural and historic urban heritage is exemplified by this destructive and unnecessary application.

I would, therefore, like to request that the Government Office for the North West applies an indefinite restriction under an Article 14 Direction **urgently** and **immediately** to this application followed by a call-in under Section 77 of the Town and Country Planning Act 1990. It is important to appreciate that by restricting the granting of planning permission and calling-in the application will **not** interfere with central government objectives of improving the education provision in Warrington. The implications are that government education standards will still be achieved by improving facilities in the existing Arts and Crafts building which is so important to the quality of environment in the local community.

Please consider my application positively.

Yours sincerely,

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

cc Stockton Heath Primary School Campaign

* I do not agree with English Heritage's conclusion. There are bigger issues concerning English Heritage's listing policy which need to be addressed in another forum.