



Supporters of Ashton Gardens



SOAG exists to protect, preserve, and enhance Ashton Gardens.

20 May 2005

To: Mr. I Garland
Government Office for the North West
City Tower
Piccadilly Plaza
Manchester
M1 4BE

Dear Mr. Garland

Fylde Borough Council: Planning Application 5/2005/0413. Request for call-in

Although the report to Fylde Councils Development Control committee on 25 May 2005 refers to this application as an amendment, it is an application for full planning permission, and is recommended for approval by officers.

It includes part of a Grade II registered garden that has recently been accorded charitable trust status. It contains a public right of way, and three buildings currently being considered by DCMS for listing. We believe that at least one of the buildings is being very seriously considered for listing.

The Council will secure a substantial capital receipt if the developer buys part of this site from them with the benefit of an implementable residential planning permission. Newfield Jones Homes (the potential developer) seek to develop land in the ownership of others (including the Borough Council) for apartments.

They applied for and were granted outline permission in 2001 (Ref. 01/0474). Approval of reserved matters was granted by Fylde Borough Council on 27 April 2005 (Ref. 05/04/955).

The developer immediately (28 April 2005) submitted a further application for "*Full application for a change of use, alteration and/or new building/engineering work*". The report to the Council's Development Control Committee scheduled for 25 May 2005 describes the application as "*Full planning permission*" and the reason

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for the report is *"This application is placed before committee as it is a major application due to the history of the site"*

The reserved matters application escaped Fylde's current moratorium because it was 'in the pipeline' when the moratorium was announced. However, we do not understand how the Council can regard this entirely new, full planning application in the same light. It contains no affordable housing, and there is no known plan for the developer to provide an affordable housing commuted payment in lieu.

We therefore wish to make formal application for this decision to be called-in for determination by the Secretary of State because approval of this application would represent a departure from the Council's local plan policies and break the present moratorium.

The arguments to support this call in request are:

1. The impact the development will have on a garden that is listed as Grade II on the National Register of Historic Parks and Gardens. (The proposed apartment block of four storeys will dominate, intrude and adversely affect this nationally important garden.) It is a matter of more than local importance.
2. The application contravenes the moratorium on residential development that presently operates within Fylde because residential provision is grossly over-subscribed. The application contains no element of affordable housing.
3. The application contravenes several of the Council's published and approved planning policies, notably one designated "TREC12", but also several other policies designed to protect heritage, environment and open spaces. Further details of policy contraventions can be provided if required.
4. The earlier application by this developer was the subject of a call-in request by the Garden History Society. This arrived with GONW too late to be considered, because the Council had already made the decision to approve. This current application, which is similar, has yet to be considered by the Council.
5. The development area is the subject of a current right of way claim. The developer stated at both the outline and reserved matters stage of his previous applications that a right of way existed through the site. No action has been taken to close or divert this right of way. In this current application he denies the same right of way exists. The Council's

officers now say that as far as the Council is concerned, his latest application form is correct when he shows no right of way to exist, yet his existing permissions include the declared right of way. This is entirely illogical and appears to demonstrate a lack of impartiality on the part of the Council.

6. The DCMS is presently considering the listing of three buildings on the site, yet in the report to the Development Control Committee of 25 May, the Council's officers say "*...However, Members should be aware that planning permission has already been granted for a very similar development. The prospective listing does not therefore, affect this application.*" Whilst it may be technically correct, again it demonstrates a lack of balance in dealing with the matter.
7. The officers report on this application fails to provide the clear exposition of all the relevant development plan policies as required by the Council's own code of conduct. It fails to record all the policies that are involved.
8. Scott Wilson Resource Consultants, the historic landscape experts engaged by the Council to report on the gardens said: "*The denial of planning permission to develop on any area of this garden must be seen as a key to the retention and restoration of the historic character of the gardens. This relates not only to the change in boundary that would result from such development and loss of land but to the irreversible change that would result from demolishing an original and public building, such as the Ashton Institute and its replacement with privately owned hard space or buildings*".

For these reasons, we ask that the application be called-in.

We have made contact with other relevant bodies and asked that if they support this application they should let you know as soon as possible.

We are also preparing a written objection for the Council. We will ask them to refuse the application or, if they are minded to approve it, to declare that to be their intention, and thus provide you with the opportunity to determine whether the decision should be called in.

Yours sincerely

Fred Moor
Chairman