

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the  
**Cabinet Member for Children and Family Services**  
held on Monday, 4th February, 2013 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor Rachel Bailey, Cabinet Member for Children and Family Services  
Councillor Rhoda Bailey, Cabinet Support Member

## **In attendance**

Councillor S Corcoran

## **Officers**

Fintan Bradley, Head of Service – Strategy, Planning and Performance  
Barbara Dale, School Admissions and Organisation Manager  
Ken White, Children and Family Services  
Lauren Thompson, Planning Officer  
Ian Dale, Heritage and Design Manager  
David Hallam, Principal Conservation and Design Officer  
Paul Mountford, Democratic Services Officer  
Sheila Dillon, Solicitor

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

### **3 PROPOSED EXPANSION OF WHEELLOCK PRIMARY**

The outcome of statutory consultation on a proposal to expand Wheelock primary in response to increasing demand for primary school places in the Sandbach area was reported to the Cabinet Member at the meeting of 3<sup>rd</sup> December where it was resolved that the decision on the publication of statutory notices be deferred until 17<sup>th</sup> December to allow more time for consideration of the large number of responses that were received at the end of the consultation period and to allow more time to consider the rationale for the proposal and the objections received from nearby schools.

On 17<sup>th</sup> December the outcomes of consultation were presented in a further report whereupon a decision was taken to defer a decision on the publication of statutory notices to allow a further two weeks to consider possible alternative solutions.

A meeting was held with head teachers and governors of the Sandbach and Haslington schools on 14<sup>th</sup> January, followed by a 'drop in' session for interested parties on 15<sup>th</sup> January. The decision paper presented at this meeting reported on the outcome of this further consultation and sought permission to publish a statutory notice detailing the proposed expansion of Wheelock Primary School from 210 to 315 pupil places with a revised implementation date of September 2014. This request had taken into account feedback received during the extended consultation period.

The decision would enable the Local Authority to comply with its statutory duty to publish notices on a school expansion. The advice of the Council's Legal and Finance Officers had been taken into account in producing the report.

Councillor S Corcoran, as local ward member, was afforded the opportunity to speak on this matter. He referred to the development strategy for Sandbach which provided for 700 houses at Sandbach Heath and a primary school. In response, Councillor Rachel Bailey stressed that the development strategy was a draft strategy which was aspirational in nature and that there were currently no plans to build a new school at Sandbach. Indeed, she was very keen to see the existing schools in Sandbach supported.

Councillor Bailey reported receipt of a written response to the final report by Danielle Doubleday, the contents of which had been considered.

## **RESOLVED**

That the Cabinet Member for Children and Family Services authorises the publication of statutory notices detailing the Local Authority's proposed expansion of:

Wheelock Primary School from the 210 to 315 school places providing an additional 105 school places with implementation from September 2014.

## **4 LOCAL EDUCATION AUTHORITY (POST COMPULSORY EDUCATION AWARDS) REGULATIONS 1999 - ANNUAL DETERMINATION**

The Local Education Authority (Post Compulsory Education Awards) regulations 199 (S.I. 199/229) required Local Authorities to make an annual determination in respect of their powers to make awards to students. The determination had to be made before the start of the following financial year. The requirement to make annual determination applied regardless of whether a local authority had previously determined that it would not exercise its power to offer awards.

The Council had already determined not to exercise the power to offer discretionary awards for the 2012/13 academic year. No financial provision

had been made to make discretionary awards in the 21012/13 academic year either for a specific category or on appeal.

The effect on applicants remained unchanged since 200/01 when the former Cheshire County Council first decided not take up the discretionary powers and no new awards had been made since then. No discretionary awards had be made since the academic year 20034 when existing students already in receipt of an award were funded from a residual fund to allow them to complete their course.

### **RESOLVED**

That the Council does not take up the power to grant discretionary awards for the 2013/14 academic year.

#### **5 DISCHARGE OF SECTION 52 AGREEMENT AT SPRINGSETT FARM, CHELFORD ROAD, PRESTBURY**

Approval had been sought for the discharge of the Section 52 Agreement which restricted occupancy of the existing dwelling at Springsett Farm, Chelford Road, Prestbury to an agricultural worker. The Section 52 Agreement also required that the dwelling not be sold off separately. The applicants now wished to be released from the obligation following approval of application 11/1281m which was an application to remove the agricultural occupancy condition attached to permission 41000P.

The discharge of the Section 52 Agreement would be acceptable in planning policy terms as the principle of the removal of the occupancy condition, i.e. unfettered C1 use, had been established by the removal of the occupancy condition. On this basis it was not considered reasonable or necessary to refuse to remove the Section 52 Agreement.

### **RESOLVED**

That the Section 52 Agreement restricting the occupancy and re-sale of the dwelling constructed at Springsett Farm, Chelford Road, Prestbury be discharged.

#### **6 PROPOSED ADDITION OF 3 PROPERTIES TO THE LOCAL LIST OF HISTORIC BUILDINGS (THE LOCAL LIST) AND SERVICE OF ASSOCIATED ARTICLE 4(1) DIRECTIONS RESTRICTING THEIR DEMOLITION WITHOUT PLANNING PERMISSION**

The report sought authority to add 3 buildings to the Local List of Historic Buildings and to serve an Article 4(1) direction restricting demolition in relation to each property. The buildings in question were:

Benger House, Former Fison's site, London Road, Holmes Chapel  
Pumphouse 5, part of the former Murgatroyd Salt works, Brooks Lane, Middlewich

Former Wheelock County Primary School, Crewe Road, Wheelock

The buildings were unprotected but not considered of high enough quality to be worthy of national designation. They were all of local historic significance. All were unused and were considered to be under threat from either partial or complete demolition.

The report had been authorised by both Legal and Finance officers.

At the meeting, it was reported that the part of the report relating to Bengier House, London Road, Holmes Chapel had been withdrawn to allow further negotiations with the potential developer of the site.

## **RESOLVED**

That the Cabinet Member for Children and Family Services approves that

- (1) a Direction be issued pursuant to Article 4(1) Town & Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”) that the permission granted by Article 3 of the Order for development falling within Part 31 class A of the Order shall not apply to the demolition of Pumphouse 5, Brooks Lane, Middlewich;
- (2) as demolition of Pumphouse 5 without express planning permission would be prejudicial to the proper planning of the area and would constitute a threat to the amenities of the area, the Direction shall have immediate effect upon service pursuant to Article 6 of the Order and shall remain in force until it is either confirmed, modified or withdrawn within or expires after six months of the date it is made;
- (3) Pumphouse 5 be added to the Council’s Local List of Historic Buildings;
- (4) a Direction be issued pursuant to Article 4(1) Town & Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”) that the permission granted by Article 3 of the Order for development falling within Part 31 class A of the Order shall not apply to the demolition of Former Wheelock County Primary School, Crewe Road, Wheelock;
- (5) as demolition of Former Wheelock County Primary School without express planning permission would be prejudicial to the proper planning of the area and would constitute a threat to the amenities of the area, the Direction shall have immediate effect upon service pursuant to Article 6 of the Order and shall remain in force until it is either confirmed, modified or withdrawn within or expires after six months of the date it is made; and
- (6) Former Wheelock County Primary School be added to the Council’s Local List of Historic Buildings.

(7) It be noted that the part of the report relating to Bengier House, London Road, Holmes Chapel has been withdrawn to allow further negotiations with the potential developer of the site.

The meeting commenced at 10.00 am and concluded at 10.25 am

Councillor Rachel Bailey (presiding)