

Cabinet Member for Children and Family Services

Agenda

Date: Monday, 4th February, 2013
Time: 10.00 am
Venue: Committee Suite 1 & 2, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

Contact: Paul Mountford, Democratic Services Officer
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4. **Proposed Expansion of Wheelock Primary** (Pages 1 - 42)

To consider a report on the outcome of statutory consultation which seeks permission to publish a statutory notice detailing the proposed expansion of Wheelock Primary School, Sandbach, increasing the school from 210 to 315 pupil places with a revised implementation date of September 2014.

5. **Local Education Authority (Post Compulsory Education Awards) Regulations 1999 - Annual Determination** (Pages 43 - 44)

To consider a report on the determination of discretionary awards for the 2012/13 academic year.

6. **Discharge of Section 52 Agreement at Springsett Farm, Chelford Road, Prestbury** (Pages 45 - 48)

To consider a report seeking approval for the discharge of the Section 52 Agreement which restricts occupancy of the existing dwelling at Springsett Farm, Chelford Road, Prestbury to an agricultural worker.

7. **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** (Pages 49 - 76)

To consider a proposal to add three buildings to the Local List of Historic Buildings and to serve an Article 4(1) direction restricting demolition in relation to each property.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date of Meeting: 4th February 2013
Report of: Lorraine Butcher, Strategic Director Children, Families and Adults
Subject/Title: Proposed Expansion of Wheelock Primary
Portfolio Holder: Councillor Rachel Bailey

1.0 Report Summary

- 1.1 As the Strategic Commissioner of School Places, Cheshire East Council has a statutory duty to commission sufficient school places for children resident in its area.
- 1.2 This decision paper reports on the outcome of statutory consultation and seeks permission to publish a statutory notice detailing the proposed expansion of Wheelock Primary School, Sandbach increasing the school from 210 to 315 pupil places with a revised implementation date of September 2014.
- 1.3 Pupil forecasts indicate a shortfall in the number of primary school places due to changing populations and increasing demand in some areas of the Borough resulting in a forecast of only 8 spaces across all year groups and all primary schools by 2017. For the Sandbach area, forecasts indicate a shortfall of 144 places for the same period across the six Sandbach primary schools and 151 shortfall including the 2 primary schools in nearby Haslington.

| | Unused (Surplus) Places (January 2012 School Census Forecasts) | | | | | | | | | |
|---|--|----|-------|-----|-------|-----|-------|-----|-------|-----|
| | 13/14 | | 14/15 | | 15/16 | | 16/17 | | 17/18 | |
| Sandbach (8 Schools inc Haslington) | 31 | 2% | -28 | -1% | -68 | -4% | -119 | -6% | -151 | -8% |
| Sandbach (6 schools) | 4 | 0% | -52 | -4% | -79 | -6% | -119 | -9% | -144 | - |
| All CE Primary Schools | 1121 | 4% | 752 | 3% | 452 | 2% | 208 | 1% | 8 | 0% |

- 1.4 In response to these pupil forecasts a review of provision has been undertaken. This has resulted in a proposal to increase the capacity at Wheelock Primary from 210 to 315 pupil places to meet the increasing demand in this area and to ensure a level of operational surplus which is a level of spare capacity intended to accommodate reasonable journey times to school, some degree of parental choice, and flexibility to allow for mid-year entrants.

2.0 Recommendation

- 2.1 That the Cabinet Member for Children and Families 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.

3.0 Background

- 3.1 Permission to consult on the proposal to expand Wheelock Primary School was granted at the Portfolio Holder meeting of **15 October 2012** and all feedback received was collated for consideration by the Cabinet Member for Children and Families Services on 3 December.
- 3.2 On **3 December**, it was resolved that the decision on the publication of statutory notices be deferred until 17 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. The minutes of the meeting state *'that the Cabinet Member for Children and Family Services defers a decision on **Wheelock Primary School** for up to two weeks to enable further consideration to be given to additional information and comments received during the consultation period'*.
- 3.3 On **17 December**, having considered the outcome of consultation, the Council's Cabinet Member requested that further consideration be given to the alternative solutions proposed by representatives of the Sandbach and Haslington primary schools. The minutes of this meeting state *'that the Cabinet Member for Children and Family Services defers a decision on the request to publish a statutory notice detailing the proposed expansion of Wheelock Primary School in order to allow a further two weeks' consultation on possible alternative solutions to the increasing demand for places in the Sandbach area'*. A copy of the report of 17 December and its appendices, including the outcome of the statutory consultation exercise is available on the Council's website at www.cheshireeast.gov.uk
- 3.4 On **14 January** a meeting arranged by officers to discuss alternative solutions to the forecast shortfall in capacity was attended by headteachers and governors from the 8 primary schools. (Attendees are listed as **Appendix 1**) The meeting began with a presentation setting out the rationale for the proposed expansion of Wheelock Primary School, together with information about future plans which, if approved, would address the shortfall in capacity in the area on a phased basis. It was stressed at the meeting that the longer term strategy was conditional on a number of factors, namely sufficient capital funding, housing developments and delivery of these, annually revised pupil forecasts and the outcomes of statutory and locally agreed procedures for delivering change. It was therefore explained that whilst these changes had

been shared at the meeting as possible solutions to the increasing demand for primary school places in the area, they could not be guaranteed.

- 3.5 Questions were raised about the delay in sharing this information, which included the potential enlargement in the future of other schools in the area. Attendees commented that seeing a longer term view was reassuring and more helpful. It was explained that at the time the draft strategy had been drawn up, pupil forecasts were being reviewed and therefore the full extent of future demand was uncertain. In addition, uncertainty about future budgets for capital projects was unclear and potential housing developments were not in the public domain. It was, however, clarified that at earlier meetings the need for further changes was necessary to address the significant shortfall of 144 pupil places by 2017. Following this meeting, written feedback from the Headteacher of Sandbach Community Primary Headteacher was received and this is attached as **Appendix 2**). Any further information received will be presented orally on 4 February.
- 3.6 At the meeting it was acknowledged by attendees that there is a need to provide additional accommodation due to increasing demand in the area. It was also acknowledged that there were 2 potential solutions to address the immediate shortfall. These include the current proposal to expand Wheelock Primary and an alternative option of expanding Offley Primary from 315 to 420 places. Both of these solutions are subject to the necessary internal approvals and implementation of statutory procedures.
- 3.7 Concerns raised previously about the potential detriment to nearby schools due to possible 'in year' movement to Wheelock were repeated. The phasing in of the proposed additional capacity at the normal point of entry to the school was therefore welcomed. The admission number applies to the normal point of entry to school (the reception class) and therefore the proposed increase of 15 places per year would need to be phased in as further admission into other year groups could be prejudicial due to insufficient staffing and higher pupil teacher ratios. Both of these options would therefore provide an additional 105 pupil places phased in each year up to 2018 when the school would operate at its full capacity, subject to demand for places. Both of these options nevertheless present the same risk of potentially facilitating 'in year' movement into other year groups during the interim years (**Appendix 3**) influenced by additional capacity overall and class organisation structures, together with the right of parents and carers to challenge admission decisions at appeal. For both schools, additional pupils can be accommodated for September 2013 utilising existing accommodation as an interim short term measure but both schools would require expansion to accommodate further admissions as they progress through the school.
- 3.8 In addition to the above meeting, a 'drop in' session was held in Sandbach on **15 January**. Schools were notified that anyone with an interest could attend between 14:00 and 16:30 or 17:30 and 19:30 to meet with officers to discuss the Wheelock proposal and provide feedback, which would then be presented at the Portfolio Holder meeting on 4 February. Letters were issued to the schools for distribution to parents and carers of children on roll and parents and carers of children due to start school in September 2013 were sent letters to

their homes by the Local Authority. The meeting was attended by 45 people with an interest in the proposal. A breakdown of attendees and the views expressed are shown in the table below indicating that the majority of the feedback from representatives of Wheelock Primary is in support of the proposal and the majority of the representatives of Offley Primary oppose the proposal. The number of parents/carers at the 'drop in' session who have children who will be taking up reception class places in future years and therefore potentially affected by the forecast shortfall in capacity in the Sandbach area was low with only 5 in total. Of these 4 expressed support for the proposal and 1 expressed no view. Details of the comments recorded at the session are attached as **Appendix 4**.

| Attendee | Support | Do Not Support | No View | Total |
|---|-----------|----------------|----------|-----------|
| Wheelock Parent/Carer/School Representative/Future Applicant/local resident | 14 | 6 | 2 | 22 |
| Offley Parent/Carer/School Representative | 0 | 20 | 2 | 22 |
| St John's CE Parent | 0 | 1 | 0 | 1 |
| Total | 14 | 27 | 4 | 45 |

- 3.9 Concerns were raised at the meeting about a related transport proposal to remove the hazardous route classification of the journey from Ettiley Heath to Wheelock Primary. Comments were made that without transport assistance there could be a detrimental effect on the safety at the school due to increased traffic at the beginning and end of the school day in spite of this proposal. Challenges were made that the route is hazardous and that the transport proposal needed to be reviewed.
- 3.10 When formulating options consideration has been given to the Government presumption in favour of the expansion of popular and successful schools. This school achieved Outstanding Ofsted status in 2011 and demand has exceeded the number of available places since at least 2010. The growing number of first choices for this school, together with the high number of pupils resident in the school's catchment area, are shown in the table below.

| School Name | PAN (Places) | 1st Preferences | | Catchment Area | |
|--------------------|--------------|-----------------|------|----------------|------|
| | 2013 | 2012 | 2013 | 2012 | 2013 |
| Elworth CE | 40 | 60 | 49 | 39 | 31 |
| Elworth Hall | 30 | 22 | 10 | 25 | 21 |
| Offley | 45 | 47 | 52 | 52 | 51 |
| Sandbach Community | 15 | 18 | 8 | 36 | 41 |

| | | | | | |
|------------------|------------|------------|------------|------------|------------|
| St John's C of E | 25 | 20 | 23 | 8 | 12 |
| Wheelock | 30 | 45 | 50 | 61 | 51 |
| Total | 185 | 212 | 192 | 221 | 207 |

4.0 Reasons for Recommendations

- 4.1 This request has taken into account feedback received during the extended consultation period. In making this recommendation, full consideration has been given to the responses received from key stakeholders during the extended consultation period. Whilst there has been strength of objection to the proposal on the grounds that the expansion of Offley Primary School is preferable, the recommendation remains that Wheelock Primary should be allowed to expand to provide more places at this successful school for local families and to redress the discrepancy in the number of available places and the increasing number of children resident in the area normally served by the school. This, together with a consistent demand from parents and carers above the school's current capacity at the normal point of entry to the school, makes this the preferred option. Officers have shared plans about the long term strategy for the area and if deliverable (see paragraph 3.4 and 3.5 above), this could see an increase in the number of places at Offley in the future to address the current forecast shortfall across Sandbach of 196 places by 2017. It should be noted that the proposed implementation date is now September 2014.
- 4.2 How statutory consultation is carried out is not prescribed in regulations and it is therefore for the Local Authority as the proposer to determine the nature of the consultation. The consultation period spanned 5 weeks in the first instance and subsequent decisions have extended the consultation period to facilitate further discussion with schools in the area on alternative solutions.
- 4.3 The Headteacher and Governors of Wheelock Primary have been consulted and fully support the proposed expansion of the school to accommodate the growing population and increasing demand for school places in their area. (Extract of Governing Body minutes attached as **Appendix 5**)

5.0 Wards Affected

- 5.1 **Wheelock Primary School** is situated in Sandbach Ettiley Heath and Wheelock Ward. However consultation was undertaken with neighbouring wards:-

Brereton Rural
Sandbach Elworth
Sandbach Town
Sandbach Ettiley Heath and Wheelock
Sandbach Heath and East
Haslington

6.0 Local Ward Members

John Wray – Brereton Rural
Gill Merry – Sandbach Elworth
Barry Moran – Sandbach Town
Gail Wait – Sandbach Ettley Heath & East
Sam Corcoran – Sandbach Heath & East
David Marren – Haslington
John Hammond – Haslington.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 The proposed expansion is part of an approved block budget (grant) set aside for Basic Need. The block budget was formally approved at Council on 23 February 2012.
- 7.2 The building work would be funded from the Council's 2012/2013 Capital Programme for Basic Needs. The capital investments required are estimated at £1,608,758.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 As the additional accommodation proposed for Wheelock Primary would increase the capacity of the school by more than 30 pupils and by more than 25% the proposed enlargement is subject to statutory proposals.
- 8.2 In bringing forward proposals to expand a school, the Local Authority must comply with statutory requirements as set out in The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment)(England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009).
- 8.3 The 5 statutory stages to a statutory proposal to expand a school are:-
1. Consultation
 2. Publication
 3. Representation
 4. Decision
 5. Implementation.

8.4 Proposed timescales for the statutory process are:

| | |
|-------------------------------------|---|
| 15 October 2012 | Portfolio Holder's Decision to formally consult on expansion |
| 22 October 2012 | 5 day call in period |
| 22 October 2012 to 23 November 2012 | 5 weeks Consultation Period |
| 4 February 2013 | Portfolio Holder's Decision on publishing a proposal in a statutory notice. |
| 11 February 2013 | 5 day call in period |
| | |
| 22 February 2013 to 22 March 2013 | Proposed Representation Period (4 weeks statutory) |
| TBC | School Organisation Sub Committee |
| TBC | 5 day call in period |
| TBC | Implementation |
| September 2014 | Proposed Implementation Date |

- 8.5 In deciding whether or not to give permission to publish proposals it is a requirement both under guidance and case law that the decision maker should consider the views expressed during the consultation and take into account the Equality Impact Assessment (EIA). It is therefore imperative that full details of all views received during the consultation period are available at the meeting on 4 February 2013. In taking the decision the Cabinet Member should also be satisfied that the Equality Impact Assessment has adequately taken account of any further submissions or views submitted during the consultation period. (EIA is attached as **Appendix 6** to this report).
- 8.6 If the decision is taken to publish proposals, a representation period will follow which must be of 4 weeks duration and cannot be altered. This allows comments on the proposals to be made by any person, which can be objections as well as expressions of support for the proposals. This period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account when the decision is finally being made.
- 8.7 Where capital funding is required for a proposal, guidance states that the decision maker must be satisfied that that funding is available before any proposals are published.
- 8.8 Following publication of the proposals and the subsequent statutory representation period, the final decision on whether the published proposals will be implemented will normally be taken by Cabinet. In making its decision, Cabinet will have to be satisfied that all statutory requirements including statutory consultation and statutory guidance have been complied with. The legislation provides further detailed statutory advice on what factors the decision maker must take into account in reaching a final decision, which information will be contained in the final report to Cabinet.

8.9 Where the Council receives objections to a statutory proposal, the final decision will be determined by the School Organisation Sub Committee.

9.0 Risk Management

9.1 Disruption to pupils, staff and the community must be kept a minimum during the reorganisation period and any subsequent building programme. This is to ensure that standards continue to improve.

9.2 The proposed expansion was identified to address a basic need in Sandbach. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area.

9.3 The extended consultation period has impacted on the intended implementation date of September 2013 and therefore further interim measures will be necessary for admission in 2013 to ensure that there is no child without a school place within a reasonable distance from the home address.

9.4 Implementation of this proposal will be subject to the necessary planning permissions.

10.0 Access to Information

10.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Barbara Dale
Designation: School Admissions and Organisation Manager
Tel No: 01270 686392
Email: Barbara.Dale@cheshireeast.gov.uk

School Organisation Meeting

Date: 14 January 2013

Venue: Haslington Primary School

Attendees:

Ken White – Capital Implementation Manager
Julie Mills – Admissions & Appeals Officer – Note taker
Simon Hodgkiss – Land and Sites Co-ordinator
Val Simons – Pupil Place Planning Officer
Barbara Dale – Admissions & Appeals Manager
Fintan Bradley – Head of Service: Strategy, Planning & Performance
J Dyson – Head Teacher, Wheelock School
C Houghton – Chair of Governors – Wheelock School
J Granger – Governor, St John's C of E School
R Whittle – Head Teacher, St John's C of E School
L Treadway – Head Teacher, Sandbach Community Primary School
D Morrison – Governor, Sandbach Community Primary
B Cox – Head teacher, The Dingle Primary School
M A Blease-Bourne – Head Teacher, Elworth Hall School
Karen Samples – Head Teacher, Elworth C of E School
D Doubleday – Chair of Governors, Offley School
J A Davies – Head Teacher, Offley School
J Fitzhugh – Head teacher, Haslington Primary School
Chris Davies – Chair of Governors, Haslington Primary

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Sandbach Community Primary Feedback - 17 January 2013

The sharing of a proposed longer term strategy on Monday was much more helpful to the decision making process and I feel if this had been shared earlier with all schools at the same time the process would not have had such a negative impact on our local partnership between schools. I accept the apology given to us at the meeting by officers. The proposed longer term strategy includes many of the suggestions that the group of heads had previously suggested to officers so I can see there is some agreement between heads and the LA on the longer term view. The immediate decision now is which school to increase first by 15 pupils to meet basic need. The choice I would suggest is Offley or Wheelock. The reassurance that it would be a phased increase at Wheelock is helpful but as heads we are still sceptical as to whether the LA would be able to keep to this as the decision of appeals panels can go against the prejudice to the provision of efficient education at a school and to the efficient use of resources. The benefit of Offley being increased first is the lower cost implication and the ability to increase from Sept 13 with no immediate additional cost to the LA or a reduced cost if the two classrooms were built now. Offley could also provide some surplus places for higher year groups if this is required in the area at this time. But it would not be a full 15 in every year group as they are already rolling through a previous 60 PAN who entered school pre TLC. Wheelock's project has the funding available and earmarked and the plans ready to implement the project. However, it would not now deliver until Easter 2014. My question would be can Wheelock's organisation accommodate another 15 intake in Sept 13 before the completion of the proposed project at no additional cost?

Consideration would now need to be made as to whether the 1.6 million capital funding would still be available in the future. If it would be lost or clawed back then not going ahead with Wheelock at this time may put the project at risk if carried out at a later date. Consideration needs to be given to whether the possible change in funded transport would have a long term impact on parent preference so that the future predicted over subscription numbers would be incorrect and the need would be in another school, possibly Elworth CE. I think consideration needs to be given to the issue of parking outside Wheelock School should there be an increase in PAN at any time. I note that some Wheelock parents said no to the proposal on their first feedback form giving the reason that parking around the school is poor and can create a dangerous environment outside the school at peak times.

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| Oct 2012 Census | PAN | | RECEPTION | | YEAR 1 | | YEAR 2 | | YEAR 3 | | YEAR 4 | | YEAR 5 | | YEAR 6 | |
|------------------|------------|--------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|
| | ACTUAL PAN | POSSIBLE PAN | ACTUAL NOR | POSSIBLE SPACES |
| School Name | | | | | | | | | | | | | | | | |
| Offley Primary | 45 | 60 | 57 | 3 | 46 | 14 | 49 | 11 | 50 | 10 | 52 | 8 | 47 | 13 | 41 | 19 |
| Wheelock Primary | 30 | 45 | 47 | -2 | 30 | 15 | 30 | 15 | 31 | 14 | 31 | 14 | 32 | 13 | 30 | 15 |

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Information for Facilitators

Sandbach 'Drop in' Sessions 14 January 2013

Background summary

1) Proposal:

Proposed expansion from a 1 FE 210 place primary school to a 1.5 FE 315 pupil place primary school with a proposed completion date of September 2013Now April 2014 at the earliest (as process takes 12 months from progression of implementation procedures, which have not yet started). Alternative proposals could not be in place until September 2015 as the process takes approximately 26 months.

2) Process:

Permission to issue a public notice of the proposed expansion of the school has been delayed to allow further consultation and a further meeting with local schools on alternative solutions. The feedback from local schools and this meeting will be presented to the Cabinet Member (Cllr Rachel Bailey) at the next Cabinet Member meeting of 4th February.

3) Rationale for the Wheelock proposal

To provide sufficient school places for local children – informed by demand from within the school's catchment area, which far exceeds the 30 places available in the reception class:

- The number of pupils in the catchment area has been growing Since 2009 reaching 61 for 2012;
- Demand for places from local residents steadily rising;
- Number of first preferences consistently exceeding the 30 places available with 44 first preferences for 2012 and 50 for 2013.
- Outstanding Ofsted category June 2011
- School site is sufficient to allow for expansion to accommodate a 4 class extension and retaining adequate playground and playing field provision.

- 4) An alternative proposal** for the expansion of Offley Primary from 315 pupil places to 420 places (+105) has been suggested. This would deliver the same number of new pupil places as the Wheelock proposal (+105 across all year groups by 2018). This is a more cost effective solution due to the opportunity to utilise some existing accommodation by remodelling internally, but unlike Wheelock, would facilitate more admissions from outside the school's

catchment area; for Wheelock, the proposal would mean that more parents of children resident in the school's catchment area would be able to secure places for their children. (see slide 10)

Questions for Attendees

- 1) What is your 'relationship' to schools in the area?

| Relationship | ✓ | School | Catchment Area |
|-------------------------------------|----------|---------------|-----------------------|
| Parent/carer of current pupil/s | | | |
| Parent/carer of former pupil/s | | | |
| Parent/carer of future pupil/s | | | |
| Representative/employee of a school | | | |
| Local resident | | | |
| Other (please state) | | | |

- 2) Are you familiar with the proposal to increase Wheelock from 210 pupil places to 315 places (+105) and the rationale for this proposal?
- 3) What is your view about this proposal?
- 4) Do you agree that the additional capacity needed due to population changes should be provided in the catchment area school, if possible?
- 5) Do you agree that the Local Authority, in its role as strategic commissioner of school places, should seek to optimise parental choice by providing more places in oversubscribed (popular) schools?
- 6) When increasing the number of pupil places in an area, there is always a risk that this will prompt some applications for mid-year movement, i.e. from one local school to another. Do you have a view about this?

- 7) Is there anything further that you wish to discuss or comment on?

| Points for Discussion | | | | | | | |
|---|---------------------------------|---|---|--|--|--|---|
| Relationship to schools in the area | Support/ Oppose/ No View/ Other | Are you familiar with the proposal to increase Wheelock Primary and the rationale for this proposal | What is your view about this proposal? | Do you agree that the additional capacity needed due to population changes should be provided in the catchment area school, if possible? | Do you agree that the Local Authority, in its role as strategic commissioner of school places, should seek to optimise parental choice by providing more places in oversubscribed (popular) schools? | When increasing the number of pupil places in an area, there is always a risk that this will prompt some applications for mid-year movement, i.e. from one local school to another. Do you have a view about this? | "Is there anything further that you wish to discuss or comment on" |
| Parent/carer of Wheelock future pupil | Support | Yes, aware of rationale | Support | preference would be for a successful school . Next priority would be on in area or local school | popular schools are accessible to parents because of the area that they live but as no application has been made yet oversubscription hasn't been considered, but would prefer to expand this school | not necessarily if happy and settled, but ultimately would do what parents thought best for child. | first child securing a place in sept 2013.First pref for Wheelock. Recommendation from parents Wheelock is good. Parents feel this is important. Good feedback from other nursery parents |
| Parent/carer of St John's Current pupil | Oppose | Yes, aware of rationale | Too soon. In respect of demand, other schools have capacity to take additional pupils. | priority to local community. | No. Circumstances change | Depends on individual reason for change of school eg house move. | No school should be extended until other local schools are back to their original capacity. Catchment areas need to be looked at. |
| Wheelock School Rep | Support | Yes, aware of rationale | children in Wheelock school not enough space to get all the children in schools catchment area and their siblings. Went to one of the meetings and tried to express that without the housing planned and the way Sandbach is growing Wheelock will not be the only school to expand and other schools will have to expand in the near future. | Absolutely. Sch also doing very well and parents will want to send their children there. | Yes agree. Expand schs in line with parents choice to maximise choice. | Thinks that unless a sch was failing parents wouldn't move their children. | Long term strategy required - development. |
| Parent/carer of Wheelock current pupil | No View | Yes, aware of rationale | concerns about infrastructure and safe drop off/collection of children and disruption to existing children. Children taught in the hall from Sept - Oct half term. | Yes | Yes, but poorer performing schools should be encouraged to improve. | This should not happen. | The transport from Ettiley Heath should be retained as walking route is unsafe. Playground space needs to be maintained in any build. |
| Parent/carer of Wheelock current pupil | Oppose and Support | Yes in part - demand from catchment | Question impact on teaching - against mixing up classes in the 'ratchet' system as in Smallwood. Feel this is detrimental to some children ability to step up in larger class sizes. Strain on PTA to new stable state. | Yes, very leading question | Questioning is very biased. Yes. | As long as it is best for the child and places are available it shall be allowed as ever. | Transport impact - need to maintain transport options such as school bus. Has option of bringing Offley Rd back up to 2 classes been considered (tax payer efficiency argument.) |
| Parent/carer of Wheelock current pupil | Oppose due to transport | Yes, aware of rationale | Do not support proposed expansion due to threat of withdrawal of school bus i.e. Parking issues and interruption to pupils. | Yes | only if school can accommodate | would not move my child - continuity important | view has changed due to proposed cancellation of free bus. |
| Parent/carer of Wheelock current pupil | Oppose | Not yet | impact on local amenity and safety , parking on roads adjacent to the schol, number of journeys, dangers to children, parking on double yellow lines. | no, given small size of catchment areas. Leading question. | No, as above leading question | No view | zig zag markings etc. Parking on pavements blocking people's drives, parking on grassed areas. |

| | | | | | | | |
|---|---------|-----|--|--|---|---|---|
| Parent/carer of Wheelock current pupil | Oppose | Yes | parent for last 10 years and 18 by time of leave. This issue brought up before. Car parking already difficult and dangerous, more cars forced to park on main road, concerns because everything happening at once for the school. Not sure if the strong support is there and need for better communication from school. | To a certain extent but lots of children in the school that are not living in catchment area at present. | No. More parents should just go to their local school. | People would do that because people will try and get into Wheelock. | just concerned that the need for extra places if you expand the school then in 10 years time will we have to expand again (developers always want to build near a popular school) Would expansion of Sandbach Community be an easier option? For years told going to be reduction in numbers but could see in playgroup numbers were on the up. In the Wheelock estate lots of properties are rented and people moving in from Crewe. Knows a lot have rented in Sandbach because moved into the area for the good schools. Sandbach Girls school encroaching more and more of the leisure facilities. Can no longer go swimming during the day because school has taken (changed) their times. Can't park because 6th formers taking the spaces. If Sandbach is expanding need their own leisure facilities and existing ones to be transferred to the school. Concerned about places in the high schools in future years. |
| Representative/employee of a school (Governor Offley) | Oppose | Yes | It may be the right answer but not the complete solution. Offley can provide the same increase in intake for less capital. | Yes | No support the principle but at which it isn't cost effective and runs contrary to education needs of existing pupils. | The LA needs to consider the rush of mid year movement as part of its overall cost benefit consideration for the proposal | Reasonably confident with the rationale for providing additional places in the area would have been useful to have more information at the beginning of the process and particularly prior to formal procedures. Feel like it was a rush - last minute - rail - roading |
| Parent / Carer Current Offley | | Yes | Would prefer to expand Offley to 60 Pan rather than Wheelock. Prefer to see single age class. | Understand the reasons behind it, but not essential | No. Fill up surplus places elsewhere. | | |
| Parent / Carer Current Offley | No view | Yes | Unsure of how it would affect Offley would like it to return to 2 form entry. Knock on effect for intake in the High School | | | | |
| Parent / Carer Current Offley | No view | Yes | Concerned daughter may not get into Offley. Concerned about split age classes at Offley and would like it at 2 FE | Yes | Yes | Shouldn't be an issue only when if one school is deemed to be underperforming | |
| Parent / Carer Current Offley | Oppose | Yes | Concern about it being part of a bigger picture | In principal places need to be within a reasonable travel distance preferably walking distance | uncomfortable with that proposal should be looking at improve generally | Feels it a manageable issue | Many needs to be spent correctly and the budget shared amongst all of the schools. There is a danger in spending all of the budget on the best scoring school. * Raising standards at all schools and concerns about introducing mixed yr 5 groups when Offley could be full year groups |
| Parent / Carer Current Offley | Oppose | Yes | Sandbach community could scrap the childrens centre. Comments and consultation staff. Increasing Wheelock not the best for the long term new Primary school is required. Concerns that cross catchment traffic. If a school is over subscribed ideally go to next closest. | as previously stated | | Does understand that this is a danger. | Redraw of boundaries for catchments concerns about the lack of long term strategy don't agree with mixed year classes. Concerns that this affects learning and behaviour mixing friend groups makes it difficult child feels they are being held back a year. doesn't think that in light of cut backs that this provides the best option. |
| Parent / Carer Current Offley | Oppose | Yes | Think maintaining full from entry groups as opposed to mixed - make Offley 2 FE as oppose Wheelock 1.5 FE Feeling of short term thinking eg TLC and | When possible needs to consider the greater picture | Complicated emphasis should be on improving the less successful schools. National issue - oversubscribed schools - capacity is there at Offley already. | Need to try and ? Against in year movement and sucking kids in from other schools | Short term need them use capacity where available and the consider long term strategy |

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| Parent / Carer Current Offley | Oppose | opposes investment in growth at the school investment should be on Offley - more affordable and to make class org more manageable | Short-sighted. Not a removing mixed ages good use of tax payers teaching money. | No I don't think so - cross pollulation I don't think there is a need to as catchemnt not guaranteed - choice. Not strictly necessary to have enough places for local children | No LA should use the facilities that it has in the most effective way taking into account customers needs and depth of it's purse - recession is a driving factor in this we shouldn't be spending money we haven't got | Don't have a view on this. Although it is a free market and therefore encourages competition between schools and therefore this is a good thing. | Single - age 5 teaching at Offley preferable |
| Governor Offley | Oppose | Yes | Feel that consultation less than fig. Already have the infrastruture to increase the PAN to 60. Could apply easily acc the extra. Pupils at a less cost to the council | In theory yes, but there is parental preferenc which plays a big part so in realality this isn't possible | Difficult and and concerned that it is difficult | Concerned that the proposal may result in pupils draining from other schools. | Concerned that the consultation has been flawed. The schools chairperson have been to meeting the feeling is that in the short term it would be easier to achieve at Offley and this moving issue from pupils migrating from the other schools to Wheelock if the work is done Offley on accomodate the pupils short term |
| Parent / Carer Current Offley | Oppose | Yes | Against and for Offley - please not to have mixed classes financial as Offley doesn't need as much work | Not necessary due to the distance been so short | If the space is there and it is popular and no need for buildings. | No concerns with regards to this | Preference is for Offley - make it 2 form entry. |
| Parent / Carer Current Offley | Oppose | Yes | Oppose proposal not in line with LA's draft school organisation plan. Union recommends 1 FE/2FE - plus detrimental effect on other school admissions | In theory yes. Believe catchment areas should be looked at in view of planned housing developments | No - financial situation of all schools in an area should be considered. | Would prefer stability and for a school to manage its budget - size of this proposal will encourage movement of pupils | Would prefer alternative ie Offley to return to 60 PAN |
| Parent / Carer Current Offley | Oppose | Yes | Financial implications - spaces at other schools. Union need investment, other schools can be expanded at a lower cost | No | Where it can be easily accommodated | Only if spaces allows | |
| Representative/emp loyee of a school (at Offley) | Oppose | Yes | I feel that the proposal was short sighted and did not take into account the needs of all Sandbach and the schools | A review of catchment areas needs to be carried out with the new building works taken into consideration. Catchment area is sometimes well a way from school ie Ettiley Heath | All schools are over subscribed at some point - parental choice is not always possible | Each case needs to be taken on its merits | Long term strategy needed to be taken not short term solutions. Views of other schools needed further investigations before commitments made |
| Parent / Carer Current Offley | Oppose | Yes | I do not support the proposal - it will move Wheelock to an undersirable 1.5 FE, when the LA has already said it does not want half form entry. There is already a school in Sandbach (Offley) which has better capacity for an increased intake - it was recently reduced from a 2 PAN to 1.5 PAN. The same capacity could be added to Sandbach schools overall at a lower cost by returning Offley to 2 form entry. | No - catchement areas could be reviewed | It should be a consideration of course, but not at the exclusion of all other factors / cost exisiting capacity etc | No | No |
| Parent / Carer Current Wheelock | Oppose | Yes & rationale | Offley available capacity. Mixed age issues. Rest of school can cope i.e. grounds and floor space. 105 pupils. Parking issues. Requires "catchment" review. Transport from Ettiley Heath withdrawn | Yes within Sandbach but against Wheelock. | Yes | Don't agree as don't think rest of school could cope with 15 in every eyar. Don't agree with phasing. EG Playground, car parking. | Timeliness of communications i.e withdrawing bus route before Xmas and extension before holidays. |
| Parent / Carer Current Wheelock | Oppose | Yes | Against. Other schools have places and could be expanded. | Yes it is bus can catchment areas be changed. | Not necessarily. | Risk of this happening. | Concern about the possible loss of bus from Ettiley Heath. |
| Parent / Carer Current Wheelock | Support | Yes & rationale | Support in principle but reassurance in how it came about | yes | Dual view. Popular - but not at expense of under achieving schools. | As long as resources put in. Few additional places - how would these be addressed? | Clarification re. infrastructure ie parking / traffic. Review "catchment areas". Expanding other schools update? Resources taken from other schools? Children at Wheelock but concerned with children in other schools. |
| Parent / Carer Future Wheelock | Support | No - just received a letter that the consultation was on | Supported - new classroom | Nice to be in local school, within the catchment area. Yes - quality sustained. | Look at under achieving schools and improve. Case by case basis. | No view. | Transport issue - transport plan would help. |
| Parent / Carer Current Wheelock | Support | Yes & knew about the rationale | Supported - pupil at school and requires school placement siblings | Yes, or within the highest achieving schools. | Yes | It should only be allowed where capacity exists but must not destabilise either school finincially or in pupil's learning. | No |

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| Parent / Carer Current Wheelock / Chair of Govs | Support | Yes | Fully support the proposal. Wheelock families have a right to attend their local school | Absolutely. Wheelock is an outstanding and successful school. | Yes | Any in year applications would follow the usual process. Parents have the right to send their children to an excellent school. | Local families should be allowed to send their children to the local school. Expand Wheelock. |
| Governor Wheelock | Support | Yes | I fully support the proposal to increase Wheelock school as above. | Yes I support this completely. | Yes | I wouldn't wish to see children moving between schools unless they have moved home to a different area. | I hope to see this matter resolved as soon as possible. |
| Governor Wheelock | Support | Yes | I fully support this proposal. | Definitely - the local children should go to the local school. | Again it makes sense to me to increase the places at the popular local school. | I would prefer to see this increase be phased in gradually. I would not like to see mid-year movement from other schools. | |
| Parent / Carer Current Wheelock | Support | | Recognise necessity to meet growing demand. Concern about current facilities at the school. Necessity to make changes, if the school is to grow. Queries - hazardous routes / concerns! Car parking - safe spaces for drop off/ pick up - BUS !! access. double yellow lines. No particular view about which school should get concern that there does need to be sufficient no of places for younger siblings to stay together. School transport an issue - but this would not affect decision re school of choice | Yes, definitely. Also very happy with this 'exceptional' school so wouldn't entertain another school. | Yes | Good school - wouldn't be surprised. No view unless personal disadvantage. | Sees rational in larger sch better funding better facilities. |
| Neighbour to school | Support | Yes - no to rationale | In support | Yes, good for area/local community. | Yes | Mixed classes issue ie movement from 30 to 45. | Position of expansion. Housing development in the future. |
| Parent / Carer Current Wheelock | Support | Yes | Mixed view - how will it affect on current child at school and will it adversely affect learning. Difficult to access school - infrastructure outside school. Concern about loss of bus Ettiley Heath. | Yes | yes provising infrastructure is in place to support it. | Would be against that. | |
| Parent / Carer Current Wheelock | Support | Yes | Basically supportive. Wants to keep the bus. Yellow lines makes parking and drop of difficult. Crewe Road dangerous. | Yes | Yes but drive should be to improve and raise standards at other schools. | Don't want school to fill too quickly, as this may affect standards and may be disruptive to the children already in the school. | Big issue with the BUS. Don't want to lose. Petition due to be handed in to the Council. General amenities - concerns about swimming pool for example and school controlling the times. |
| Parent / Carer Future Wheelock | Support | Yes | Building in surplus and possible competition not a bad thing and could help drive up standards. | Not necessarily but children should be able to attend the best catchment school "outstanding" school that is available in an area. | Yes. Definitely. | See comment in Q3. Schools will have to raise their game if they are losing children must be a reason and that would force them to raise their standards. | |
| Parent / Carer Current Offley | Oppose | Yes | Don't support proposal - does not agree with mixed aged teaching other options should be looked at - money could be put to better use. | No more distribution to schools with vacancies. | Improve schools - so more level playing field. | To be expected from parent/carer. | Increase Offley to 60 (2FE) - ideal 1FE/or 2FE other school with capacity. Review catchment areas in Sandbach. |
| Parent / Carer Current Offley | Oppose | Yes & rationale. Offley do have a waiting list too. | Mixed year classes issue. <u>Against proposal</u> but re-sizing at Offley due to infrastructure already there (size, space). | Local schools, yes. | Utilising what we have and inc. in more appropriate way. What is best for the community. | Just reception <u>only</u> . | None. |
| Parent / Carer Current Offley and Governor | Oppose | Yes | Against proposal. Offley able to go to 2FE easily. | No other schools in the area should be expanded also. | Yes agree. | No view. | No. |
| Parent / Carer Offley and employee Offley | Oppose | Yes | Don't support mixed aged classes. Friendship groups affected. Learning issues. Different to substain from KS1 - KS2 (Key Stage 2 concerns) | Yes understand. School within community. Need to look at other options. Parents would be prepared to travel. | Offley not up to capacity. Other schools as good as Wheelock. Parents have a choice. | Maintain popularity with mid-year intake. | Extend the catchment area. Cost of Offley expansion considerably lower. New development - where would the children go? Other schools that could take the additional capacity - explore other options. |

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| Parent / Carer Current Offley | Oppose | Yes. Took part in consultation process. | Main concern is the volume of money spent on 1 sch. Should be spread out amongst more schools. And is there a need to expand Wheelock when Offley has the capacity already. Ack that spaces are needed in Sandbach area, but feels so much money being spent now at one school when Offley could accommodate them already. | Not necessarily - parent choose schools for many reasons. | If a parent chooses that school they should be allowed to go there. Comes down to funding teachers - if have 2 classes 45 may as well have 2 classes for 60 - still only same costs for teachers. | Yes thinks that would happen. I applied to Wheelock and was refused - now very happy with Offley and would not move but feel other parents would from any school not just Offley. Have friends with children in Elworth Hall - not happy and know's they would move if they could. | |
| Parent / Carer Current Offley | Oppose | Yes and rationale | Oppose - don't agree with mixed age classroom. Housing development opposition. Disruptive for the children. | Yes. Nearest school not pick and choose and within catchment area. | Go to nearest school / walking distance. | Go within catchment area school. | |
| Parent / Carer Current Offley | Oppose | Yes and rationale | Not in support of it. | Yes, however there are several schools within close proximity. | Yes | Do not approve of mid year movement unless there are special circumstances. | Cost to be spent on Wheelock significant. Offley cheaper option. 2 form entry at Offley option - cheaper option to release residual grant to other schools. Large budget allocation to one school. |
| Parent / Carer Current Offley | Oppose | Letter format as did not attend consultant | The current proposal is for an extra 15 places to be created. 15 places could be created by returning Offley Road Primary to PAN of 60. - Until relatively recently Offley Road Primary had a PAN of 60 therefore has the infrasture in place to accommodate the extra pupils, for example two halls, group rooms, large grounds, large staffroom to accommodate extra personnal etc. - A return to a 60 PAN would mean a return to a 2 form per year group structure. This is a structure favoured by both parents and the local Authority themselves. | Offley Road Primary school acknowledge that remodelling or extension to the buildings will be needed until 2015. As the school has the appropriate infrastructure this will consist of classroom spaces only and therefore not be such a drain on the local purse. These classes will be required in any event in order to accommodate the 2012 reception intake. | Offley is a popular and successful school and as parents of a child in reception and also a resident interested in Sandbach's plans for development it would seem to make sense to favour a proposal to extend Offley Road Primary rather than Wheelock Primary. Please can you include our points in your deliberations. | | |

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Extract from:-**MINUTES OF A MEETING OF THE GOVERNING BODY OF WHEELOCK
PRIMARY SCHOOL HELD AT THE SCHOOL ON 4 JULY 2012**

Governors Present: Mrs J Barton
Mr J Bottomley
Mrs J Bunn
Mrs C Dalton
Mr J Doorbar
Mrs J Dyson (Headteacher)
Miss D Harrison
Mrs C Harrop
Mrs C Houghton (Vice Chair)
Mr S Noble
Mrs N Sale

Also in attendance: Mrs N Harvey (Bursar)
Ian Gatie (Clerk to the Governors)

16. PUPIL ADMISSION NUMBER (PAN)

Governors considered the PAN. It was noted that the Authority had instigated an increase to 45 and that the governing body had agreed as the increase was conditional upon increasing the capacity of the school. The governing body is in favour of a permanent increase to 45, subject to the building plans being approved and the additional capacity created.

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Equality impact assessment is a legal requirement for all strategies, plans, functions, policies, procedures and services under the Equalities Act 2010. We are also legally required to publish assessments.

Section 1: Description

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| Department | Children , Families and Adults | | Lead officer responsible for assessment | | Rob Hyde | |
| Service | School Organisation | | Other members of team undertaking assessment | | Barbara Dale | |
| Date | 17 January 2013 | | Version | | 3 | |
| Type of document (mark as appropriate) | Strategy | Plan √ | Function | Policy √ | Procedure | Service |
| Is this a new/existing/revision of an existing document (mark as appropriate) | New | | Existing | | Revision √ | |
| Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/plan/function/policy/procedure/service | <p>Permission to publish a statutory notice on the proposed expansion of Wheelock CE Primary from 1FE to 1.5FE to provide an additional 105 school places with a revised proposed completion date of April 2014.</p> <p>There are any other associated policies and procedures as set out below:-</p> <ul style="list-style-type: none"> • Children and Families, Capital Strategy 2012/2013 • Statutory consultation has been undertaken on this proposal as the changes, if approved, will fall within the category of a significant enlargement as the additional accommodation proposed for Wheelock Primary would increase the capacity by more than 30 pupils and by more than 25%. • The Local Authority must comply with statutory requirements as set out in The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment)(England) Regulations 2007 which came into force on 21 January 2008 and The School | | | | | |

Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009).

The aims, objectives and outcomes of this proposed change are as follows:-

The proposal, if determined, will provide additional primary school places for the Wheelock area of Sandbach to address the forecast shortfall for this area. In addition, this will deliver a level of operational surplus for the Local Authority, which is a level of spare capacity intended to accommodate reasonable journey times to school, some degree of parental choice, and flexibility to allow for mid-year entrants. The proposal will therefore have a significant positive impact on the current projected shortfall in the number of school places in Sandbach and on parental choice and, at worst, a neutral impact on vulnerable and minority groups in the community.

The outcomes of consultation were summarised in a report to the Portfolio Holder for a decision on 3 December 2012, (which was extended to 17 December and further extended to 4 February.) In deciding whether or not to give permission to publish proposals it is a requirement both under DfE guidance and case law that the decision maker should consider the views expressed during consultation and take into account the Equality Impact Assessment. It is therefore imperative that full details of all views submitted are made available at the decision meeting.

Wheelock Primary School is a popular and successful school with a published admission number (PAN) of 30 pupil places and overall accommodation for 210 pupils across the 7 year groups. The Local Authority is proposing an increase to provide 315 pupil places with a proposed implementation date of September 2013. This increase, if approved, will provide sufficient accommodation for an intake at the normal point of entry to the school (the reception class) of 45 pupils with the school operating in the longer term as a 1.5 form of entry primary school as the relevant year group moves through the school.

Wheelock Primary is situated in the Sandbach area of the Congleton Local Area Partnership. Sandbach has 8 primary schools and 2 secondary schools. Two of these primary schools fall within the Crewe Local Area Partnership and serve the Haslington area (Haslington Primary and The Dingle Primary schools). The total

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| | <p>capacity across the 8 primary schools is currently 1915 pupil places. Forecasts indicate that there will be a shortfall of 151 pupil places by 2017, taking into account all 8 primary schools.</p> <p>The 6 primary schools located in the Sandbach town area (excluding the two Haslington primary schools) have a combined capacity of 1295 school places. Pupil forecasts for these 6 schools indicate that by 2017 there will be an overall shortfall in the number of pupil places by 11% (144). The number of spare pupil places is forecast to fall to 0% in September 2013.</p> |
| <p>Who are the main stakeholders? (eg general public, employees, Councillors, partners, specific audiences)</p> | <ul style="list-style-type: none"> • Children and their parents and carers • Headteachers in schools in Sandbach |

Section 2: Initial screening

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| <p>Who is affected? (This may or may not include the stakeholders listed above)</p> | <p>Children and Young People Parents / Carers Schools</p> |
| <p>Who is intended to benefit and how?</p> | <p>Young Children and their parents and carers in the Sandbach area and in particular, families resident in the area normally served by Wheelock Primary.</p> |
| <p>Could there be a different impact or outcome for some groups?</p> | <p>This proposal will have a marginal positive impact for members of the local community.</p> |
| <p>Does it include making decisions based on individual characteristics, needs or circumstances?</p> | <p>Any decision on the proposal will not be based on any individual characteristics, needs or circumstances</p> |
| <p>Are relations between different groups</p> | <p>A number of concerns have been expressed during the statutory consultation process that this proposal will have a</p> |

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| <p>or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)</p> | <p>detrimental impact on nearby schools by increasing the capacity in the area by an additional 105 primary school places across all year groups, with an increased intake at the normal point of entry of 15 additional pupils. Concern has been raised that whilst the expectation is that the additional places will be phased in at the normal point of entry to the school, the additional accommodation that would need to be provided would undermine the admission authority's ability to justify prejudice at appeal, should an unsuccessful applicant challenge a decision to refuse admission.</p> <p>Whilst the decision of an independent appeal panel cannot be pre-empted, the view of the admission authority is that there would be prejudice to the provision of efficient education and efficient use of resources if the school was expected to take into the school 105 extra pupils on implementation. Phasing in of the accommodation is essential to ensure appropriate pupil teacher ratios and to mitigate any risk to existing pupils and to the school's ability to set a balanced budget, for which there would be a negative impact if new accommodation was utilised immediately. The purpose of this proposal is to provide sufficient places in the area to meet growing demand and not to have a detrimental impact on nearby schools.</p> <p>The Local Authority in making this recommendation for expansion has taken into account pupils forecasts which indicate that there will an insufficient number of pupil places for Sandbach residents in the future, taking into account the January 2012 School census data. Forecasts indicate that there will be a shortfall across all year groups and all schools from 2013.</p> <p>Further analysis of October 2012 data shows that the pressure on places in these schools is predominantly in Key stage 1 with a shortfall of 32 places in the reception cohort for 2012 and an overall shortfall of 9 places across KS1. This is compared with 82 spare pupil places across KS2. Excluding the two Haslington primary schools, the pressure on places in the Sandbach area is greater with a KS 1 having an overall shortfall of 15 places and only 40 pupils places in KS2. This more recent change in the demand for places in the area must be addressed to ensure that the LA can meet its statutory duty of providing sufficient school places for children in its area.</p> <p>In addition, analysis of reception intakes has been undertaken and this indicates that the number of children in the combined catchment areas for September 2012 and 2013 exceed the total number of reception class places in the</p> |
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area, which must be addressed. Including Haslington, there are 275 pupil places for which there were 283 resident pupils for 2012 and currently 253 for 2013. Excluding Haslington, there are 185 pupil places and 221 resident pupils 2012, and to date, 204 for 2013. Both years therefore exceeding the number of pupil places.

In making this recommendation the Local Authority has given consideration to a number of issues, including the number of pupils in each school's catchment area, the number of first preferences received for each school, the current size of the school together with the school sites and those suitable for expansion and the likely costs of extension. Suitable schools also needed to be central to the area where the extra places are required.

The process of formulating options for consideration included consideration of the Council's priorities as set out in the draft School Organisation Framework. Due to the timescales involved, informal (non-statutory) consultation procedures were not implemented prior to formal statutory consultation. Feedback on the proposal has nevertheless been facilitated during the formal consultation period and meetings arranged with groups of schools provided in depth discussion with attendees.

On 30 October at the start of the consultation process, a meeting was held attended by headteachers and governor representatives of the Sandbach primary schools to provide information about the proposed expansion of Wheelock Primary and the rationale for change including forecast demand and the process for change. The meeting was well attended. Attendees acknowledged the pressures for the area but expressed objection to the Wheelock proposal. Concern was expressed that informal consultation procedures had not been implemented allowing schools in the area the opportunity to be part of the process of identifying options for change and that the proposal for 105 places had the potential to impact on other Sandbach schools if additional capacity is in place for September 2013 as proposed. Additional comments were made regarding alternative solutions that attendees at the meeting considered more appropriate for the area. It was agreed at the meeting that a further meeting would be arranged during consultation to facilitate feedback on alternative solutions for the town.

On 9 November a further meeting took place and this was well attended. The issues raised at the meeting include procedure: which was questioned in relation to the undertaking of equality impact assessments, data, timing of proposals and the potential impact on other schools and consultation timescales, with recommendations in relation

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| | | | to the latter that the 5 weeks is insufficient . | | | | | | | | |
| Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)? | | | Consultation has been undertaken over a 5 week period inviting feedback on the proposals from anyone with an interest. | | | | | | | | |
| Is there an actual or potential negative impact on these specific characteristics? (Please tick) | | | | | | | | | | | |
| Age | Y | N | Marriage & civil partnership | Y | N | Religion & belief | Y | N | Carers | | N |
| | | ✓ | | | ✓ | | | ✓ | | | |
| Disability | Y | N | Pregnancy & maternity | Y | N | Sex | Y | N | Socio-economic status | | N |
| | | ✓ | | | ✓ | | | ✓ | | | |
| Gender reassignment | Y | N | Race | Y | N | Sexual orientation | Y | N | | | |
| | | ✓ | | | ✓ | | | ✓ | | | |
| What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts | | | | | | | | | | Consultation/involvement carried out | |
| | | | | | | | | | | Yes | No |
| Age | This will positively impact on the number of school places for young people of primary school age in the Sandbach area and thereby increasing opportunities for parental choice, in line with DfE guidance. | | | | | | | | | ✓ | |
| Disability | The proposal will have a marginally positive impact on young people and parents with a disability because the provision of additional places will overall provide sufficient places closer to person's place of residence. The proposal will also offer greater parental choice for those families with wider caring | | | | | | | | | ✓ | |

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| | responsibilities for household members with a disability. | | |
| Gender reassignment | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.</p> <p>However, given the very young age of the pupils it is unlikely that any issues will arise in relation to these protected characteristics.</p> | v | |
| Marriage & civil partnership | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.</p> <p>Admissions to the school are made following the local authorities admission arrangements and over subscription criteria. All applications are considered against the over subscription criteria on a equal basis without reference to the marital status of the parent/carer.</p> | v | |
| Pregnancy & maternity | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.</p> <p>Admissions to the school are made following the local authorities admission arrangements and over subscription criteria. All applications are considered against the over subscription criteria on a equal basis without reference to the status of the parent/carer</p> | v | |
| Race | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect.</p> <p>Race is recorded as the following from Wheelock school:</p> | v | |

| | | | |
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| | <ul style="list-style-type: none"> • 97% White • 2% Mixed/Dual Background • 0.5% Asian or Asian British • 0.5% Other Groups or Not recorded <p>The average recorded data across the Sandbach primary is:</p> <ul style="list-style-type: none"> • 94% White • 2 % Mixed/Dual Background • 1% Asian or Asian British • 0% Black or Black British • 3% Other Groups or Not recorded <p>The local authority has no reason to believe that any proposed expansion of the school would result in an overall change to the current demographics.</p> | | |
| Religion & belief | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect. Wheelock Primary School is a community school and as such admission applications are considered against the admission arrangements and over subscription criteria as determined by the local authority. The over subscription criteria are applicable to all applications on an equal basis irrespective of religious belief.</p> | v | |
| Sex | <p>There is an equal gender balance girls and boys currently attending Wheelock Primary, Girls represent 49% of the Wheelock pupils with boys 51%. This represents a similar school population demographic across Sandbach schools with 49% male and 51% female.</p> | v | |
| Sexual orientation | <p>The Local Authority is bound by the Admissions Code and Regulations and this does not allow for any discrimination in this respect. However, given the very young age of the pupils it is unlikely that any issues will arise in relation to</p> | v | |

EQUALITY IMPACT ASSESSMENT FORM

APPENDIX 6



| | | | |
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| | these protected characteristics. | | |
| Carers | The proposal will have a marginally positive impact on persons with dependents and will offer greater parental choice for those families with wider caring responsibilities. | ✓ | |
| Socio-economic status | It is considered that the proposal will have a positive impact on those children/young people included in this group because 6.6 % of pupils within Wheelock (Reception to Year 6) are eligible for free school meals. In comparison across the 6 Sandbach primary schools 12.6% are eligible. | ✓ | |
| Proceed to full impact assessment? (Please tick) | | | |
| | Yes | No ✓ | Date 17.1.2013 |

If yes, please proceed to Section 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

Section 3: Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

| Protected characteristics | Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations | Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations | Please rate the impact taking into account any measures already in place to reduce the impacts identified High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect | Further action (only an outline needs to be included here. A full action plan can be included at Section 4) |
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| Age | | | | |
| Disability | | | | |
| Gender reassignment | | | | |
| Marriage & civil partnership | | | | |

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| Pregnancy and maternity | | | | |
| Race | | | | |
| Religion & belief | | | | |
| Sex | | | | |
| Sexual orientation | | | | |
| Carers | | | | |
| Socio-economics | | | | |

Is this project due to be carried out wholly or partly by contractors? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)

Section 4: Review and conclusion

| Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed | | | |
|---|--|----------------------------|--|
| <p>At the Portfolio Holders meeting of 3 December the decision was “to defer for up to two weeks to enable further consideration to be given to additional information and comments received during the consultation period.” A further Portfolio Holders meeting was arranged for 17 December and the decision to publish a statutory notice was again deferred to allow a further two weeks’ consultation on possible alternative solutions to the increasing demand for places in the Sandbach area. In response to this decision, officers held a further meeting with headteachers and governors of primary schools in the Sandbach area to seek their preferred alternative options and a public “drop in” session was arranged to seek the views of parent /carers and other interested parties.</p> | | | |
| Specific actions to be taken to reduce, justify or remove any adverse impacts | How will this be monitored? | Officer responsible | Target date |
| <p>Concerns raised about the potential detriment to nearby schools due to possible “in year” movement to Wheelock.</p> <p>The additional capacity of 15 places applies to the normal point of entry to the school (Reception class)and further admissions would need to be phased in for each year group upto 2018. further admission into other year groups could have adverse impact on pupils at Wheelock Primary further admissions could be prejudicial due to insufficient staffing and higher pupil teacher ratios.</p> | <p>Monitor in year applications to the higher year groups for all Sandbach Primary schools liase with the schools as necessary.</p> <p>Unless exceptional circumstances apply applications for year groups that are already over subscribed or at PAN should be refused and parents/ carers offered the right of appeal.</p> | Barbara Dale | Ongoing for a period of at least 12 months following completion of the building project. |
| <p>Concerns raised regarding the current proposal to remove free school transport from Ettiley Heath, to</p> | <p>This proposal is still under assessment and no decision</p> | | |

EQUALITY IMPACT ASSESSMENT FORM

APPENDIX 6

| | | | |
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| <p>Wheelock Primary. Wheelock Primary is the catchment school for this area and transport is currently provided as the route is currently designated as a hazardous route.</p> | <p>has being taken.</p> | | |
| <p>Duing the consultation and previous meetings between Officers and headteachers questions had being raised about the absence of a long term strategy.</p> <p>At a meeting of 14 January between Officers and headteachers information on future plans was shared although it was stressed that this long term strategy was conditional on a number of factors and could not be guaranteed as decisions on proposals were subject to statutory and locally agreed procedures and therefore outside of the officers remit.</p> | <p>The local authorities longer term strategy for the Sandbach area is dependent on a number of factors namely sufficient capital funding, housing developments and pupil forecasts.</p> <p>Local Authority review pupil forecasts annually to determine demand for places. Housing developments of 10 or more dwellings will be monitored by Officers and by applying the pupil yield determine the expected numbers of additional pupils in the area. In addition potential Section 160 contributions will be sought and secured as appropriate.</p> <p>Review provision in an area through prior consultation with schools , transparency was important for any future proposed school expansions</p> | | |
| <p>Questions has being raised regarding the catchmnet area of the schools and could these be reviewed to distribute the children more evenly, negate the need to provide transport from the Ettiley Heath area to Wheelock and to take account of any future housing</p> | <p>In anticipation of potential housing developments the Local Authority had already undertaken a review of catchment areas in 2011. In 2012 the local authority had consulted on the rezoning of an area from Elworth CE to Elworth Hall and as a result of this consultation had determined the rezoning arrangements for September</p> | | |

EQUALITY IMPACT ASSESSMENT FORM

APPENDIX 6

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| <p>developments.</p> <p>Whilst catchment areas are used to determine priority for admission to a particular school parents will continue to choose schools for many reasons and places for “ in area” applicants are not guaranteed.</p> <p>Based on January 2012 number on roll (212)78% of the children attending the school are living in Wheelock’s catchment area. In comparison only 49% of children living within the catchment area are attending the school. However, this could be contributed to the fact that for the last 3 years “ in area” applicants for Reception intake have not being successful in securing a place at the school and have had to accept places at other local schools.</p> | <p>2013 admissions.</p> <p>Changes to school catchment areas require statutory consultation. However, as part of the overall contuing review of provision in the area and taking into account future housing developments and prior consultation with the schools prior to any decision the local authority would give consideration to further changes as required.</p> | | |
| <p>Please provide details and link to full action plan for actions</p> | | | |
| <p>When will this assessment be reviewed?</p> | | | |
| <p>Are there any additional assessments that need to be undertaken in relation to this assessment?</p> | <p>Further analysis to asses impact will be conducted over the coming weeks and an updated EIA will be presented to the Final Decision maker at the end of the Representation period, if approved.</p> | | |

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| | | | |
| Lead officer signoff | | Date | |
| Head of service signoff | | Date | |

Please publish this completed EIA form on your website

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CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

| | |
|-------------------------|--|
| Date of meeting: | 4 th February 2013 |
| Report of: | Lorraine Butcher, Strategic Director Children, Families and Adults |
| Title: | Local Education Authority (Post Compulsory Education Awards) Regulations 1999 – Annual Determination |

1.0 Purpose of Report

- 1.1 The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 (S.I. 1999/229) require LEAs to make an annual determination in respect of their powers to make awards to students. The determination must be made before the start of the following financial year. The requirement to make an annual determination applies regardless of whether an LA has previously determined that it will not exercise its power to offer awards.

2.0 Recommendation

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

3.0 Financial Implications

- 3.1 The Council has already determined not to exercise the power to offer discretionary awards for the 2012/13 academic year.

4.0 Financial Implications 2013/14 and beyond

- 4.1 No financial provision has been made to make discretionary awards in the 2013/14 academic year either for a specific category or on appeal.

5.0 Legal Implications

- 5.1 The Local Education Authority (Post Compulsory Education Awards) Regulations 1999 conferred revised powers on LEAs, should they wish to use it, to make discretionary awards to new FE and HE students. The LEA is required to determine each year by 31 March whether the power is to apply to them or not in the following academic year. If it does accept the powers it must then determine whether to exercise that power generally or only for certain groups or categories of students. If it determines not to accept the power, no provision for consideration of applications need be made.

6.0 Risk Assessment

- 6.1 If no annual determination is made, the authority is open to legal challenge.

7.0 Background and Options

- 7.1 The effect on applicants remains unchanged since 2000/01 when Cheshire County Council first decided not to take up the discretionary powers and no new awards have been made since then. During this time, national schemes have developed to provide funding to various categories of post 16 students who would previously have looked to the local authority for support. No discretionary awards have been made since the academic year 2003/4 when existing students already in receipt of an award were funded from a residual fund to allow them to complete their course.
- 7.2 If no annual determination is made by 31 March 2013, the authority is open to legal challenge. An annual determination will be required in subsequent years.

8.0 Reasons for Recommendation

- 8.1 No financial provision has been made to make discretionary awards in the 2013/14 academic year for a specific category or on appeal.

9.0 Background Documents:

N/A

The background papers relating to this report can be inspected by contacting the report writer:

Name: Fintan Bradley
Designation: Head of Service Strategy Planning and Performance
Tel No: 0160627105
Email: fintan.bradley@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

| | |
|--------------------------|---|
| Date of Meeting: | 4 th February 2013 |
| Report of: | Development Management and Building Control Manager |
| Subject/Title: | Discharge of Section 52 Agreement at Springsett Farm, Chelford Road, Prestbury |
| Portfolio Holder: | Councillor Rachel Bailey |

1.0 Report Summary

- 1.1 To seek the approval of the Portfolio Holder for discharge of the Section 52 Agreement which restricts occupancy of the existing dwelling at Springsett Farm, Chelford Road, Prestbury to an agricultural worker. The Section 52 Agreement also requires that the dwelling not be sold off separately. The applicants now wish 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.

2.0 Recommendation

- 2.1 To discharge the Section 52 Agreement which restricts the occupancy and re-sale of the dwelling constructed at Springsett Farm, Chelford Road, Prestbury.

3.0 Reasons for Recommendation

- 3.1 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 has been established by the removal of the occupancy condition. On this basis it is not considered reasonable or necessary to refuse to remove the Section 52 Agreement.

4.0 Wards Affected

- 4.1 Prestbury

5.0 Local Ward Members

- 5.1 Councillor Paul Findlow

6.0 Policy Implications (including carbon reduction and health)

6.1 None

7.0 Financial Implications (authorised by Director of Finance and Business Services)

7.1 Costs for staff time to vary the Agreement. However charges for the legal costs will be payable to the Council by the applicant.

8.0 Legal Implications (authorised by Borough Solicitor)

8.1 None. In substance, the principle of allowing Springsett Farm to be occupied and sold free of any agricultural occupancy restriction, was established by the grant of permission 11/1281 on 21st July 2011.

9.0 Risk Management Implications

9.1 None

10.0 Background and Options

10.1 Planning application 11/1281M related to the removal of an agricultural occupancy restriction at Springsett Farm, Chelford Road, Prestbury. Permission was granted in 1986 under application 41000P for an agricultural workers dwelling subject to conditions (including a condition restricting occupancy) and a Section 52 Agreement (also restricting occupancy and re-sale/let/sub-letting).

10.2 Permission was granted for the removal of the agricultural occupancy condition under application 11/1281M because the applicant had demonstrated that there was no longer a functional need for the dwelling as the farming business had become unviable, there was no demand locally for the property from someone who could comply with the occupancy condition and because the valuation of the property (even taking into consideration the occupancy restriction) would be prohibitive for an agricultural worker (hence why there was no demand for such a property locally). On that basis, it was considered that the condition was no longer necessary nor reasonable because there was no longer any continuing need for occupation of the dwelling to be restricted. Whilst the proposals did not accord with the second criteria within policy DC25 there were material considerations which justified an exception to this criteria within the policy and the proposals would still have accorded with the broad thrust of the policy and its justification. The proposals therefore accorded with policy DC25 Removal of Agricultural Occupancy Condition of the Borough of Macclesfield Local Plan 2004.

10.3 The applicant now wishes to be released from the Section 52 Agreement which he entered into on 18th February 1986 when planning permission was granted for the

construction of Springsett Farm as an agricultural worker's dwelling – specifically clauses 1, 2, 3 which restrict occupancy and sale/ let / sub-letting. It is inappropriate to retain such clauses which are similar to condition 4 attached to permission 41000P which was later removed resulting from the approval of application 11/1281M.

- 10.4 As the clauses within the Section 52 Agreement are no longer necessary, it would be unreasonable to retain them.
- 10.5 It is recommended that the Borough Solicitor discharge the 1986 Section 52 Agreement by Deed of Agreement with the current landowner (the same landowner who entered into the 1986 Agreement)
- 10.6 The Borough Solicitor has advised that this decision should be considered by Portfolio Holder because the discharge of s52 Agreements (which were entered into under the Town & Country Planning Act 1971- now revoked) is not one of the functions listed for decision by Council, committee or officer under the Local Government (Functions & Responsibilities) Regulations 2000. S13 Local Government Act 2000 provides that functions **NOT** listed in those Regulations should be taken by Executive Members and the Council's Constitution delegates Development Management decisions to the Portfolio Holder. Although s52 Town & Country Planning Act has long been repealed, the power to vary or discharge the Agreement with the original contracting party, can be undertaken under the express, general power of competence given to Council's under s1 Localism Act 2011.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

| | |
|--------------------------|---|
| Date of Meeting: | 4 th February 2013 |
| Report of: | David Hallam, Principal Conservation and Design Officer |
| Subject/Title: | 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 |
| Portfolio Holder: | Councillor Rachel Bailey |

1.0 Report Summary

- 1.1 This report seeks member authority for officers 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 are:

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

- 1.2 These buildings are presently unprotected by statutory designation. They are all buildings/sites that are unused and are considered to be under threat from either partial or complete demolition. They are of local historic significance, as explained later in this report and supported by the information contained within Appendices 1 and 2.

2.0 Recommendations

- 2.1 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 Benger House, London Road, Holmes Chapel;
 - (2) as demolition of Benger House 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) Benger House 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 Pumphouse 5, Brooks Lane, Middlewich;
- (5) 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;
- (6) Pumphouse 5 be added to the Council's Local List of Historic Buildings;
- (7) 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;
- (8) 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
- (9) Former Wheelock County Primary School be added to the Council's Local List of Historic Buildings.

3.0 Reasons for Recommendations

- 3.1 To ensure that the local heritage significance of the buildings is acknowledged by their inclusion on the Local List, as set out in the National Planning Policy Framework.
- 3.2 Ensuring that the demolition of the buildings requires planning permission will allow the Local Planning Authority to fully consider the wider implications of the works, and ensure that the views of others, with an interest are able to be fully taken into account before a decision is taken by the Local Planning Authority.

4.0 Wards Affected

4.1 Dane Valley, Middlewich and Sandbach Ettiley Heath and Wheelock

5.0 Local Ward Members

5.1 Cllr Les Gilbert, Cllr Andrew Kolker, Dane Valley Ward; Cllr Paul Edwards, Cllr Simon McGrory, Cllr Michael Parsons, Middlewich Ward; Cllr Gail Wait, Sandbach, Ettiley Heath and Wheelock

6.0 Policy Implications (including carbon reduction and health)

6.1 None

7.0 Financial Implications (authorised by Director of Finance and Business Services)

7.1 The administrative costs associated with the Article 4 Direction will be met within the 2012/13 budget for Development Management.

8.0 Legal Implications (authorised by Borough Solicitor)

8.1 Before making an Article 4(1) direction, the Council as local planning authority must consider it expedient that development should not be carried out without a planning application first being made and approved. Circular 9/95 D2.3 advises that it will be relevant to consider whether the exercise of permitted development rights (in this case, the right to demolish) would undermine the visual amenity of the area or damage the historic environment. An article 4(1) direction can relate to specific or general development.

8.2 The law states that permitted development rights should only be withdrawn in exceptional circumstances. However, an Article 4(1) Direction must also be agreed by national government, and they can alter or quash the direction.

8.3 It should also be stressed that the direction does not constitute an absolute prohibition of development; it requires that an application for planning permission is made and then considered on its merits.

9.0 Risk Management Implications

9.1 Statutory and local requirements in respect to additions to the Local List and serving an article 4(1) direction have and will be met.

10.0 Background and Options

10.1 Local authorities have a statutory responsibility to positively manage the built heritage of their areas, including identifying and protecting locally

important heritage assets. The buildings identified in this report are considered to be locally significant heritage assets.

- 10.2 Article 4(1) Directions may be made either (1) with immediate effect, then confirmed in continuing effect [or modified or withdrawn] after consideration of representations or (2) after publication of intent and consideration of representations. The risk with the latter course is that the buildings at risk may be demolished before the Direction is made. In each of the three cases here, demolition without prior consideration of planning merits and mitigating conditions would be prejudicial to the proper planning of the area and constitute a threat to the amenities of the area. It is considered that there are exceptional circumstances to apply an Article 4(1) Direction with immediate effect to remove permitted development rights for demolition.
- 10.3 The heritage significance and circumstances relating to each of the buildings can be summarised as follows:

Benger House, London Road, Holmes Chapel

- 10.4 Benger House was constructed in 1939. Benger Foods, relocated to Holmes Chapel from Manchester, where the company had originated as Mottershead and Co in 1790, being acquired by the Benger family in 1870. The company manufactured ethical pharmaceuticals including Benger's Food, a milk supplement, widely used by infants and people of poor health during much of the 20th century.
- 10.5 The building is an example of a "Daylight Factory" completed in 1939. It reflects a change in the design of industrial buildings, to make them more efficient and better for worker conditions. It was designed by the Practice of Andrews and Butterworth in a restrained Art Deco style, expressed in the simple form and linearity of the building and in individual elements of the façade. The primary element of architectural interest is the frontage onto London Road and the returns of that frontage block. Internally its interest is focused upon the entrance lobby and staircase, the landing area with fanlight above and the Board Room. The ensemble is a clear expression of its time, with clean lines and faience tiled finish. Some other significant features such as door and light fittings also remain, although some are missing or are damaged. At its peak the site employed several hundred people and was the major employer in Holmes Chapel for many years. It therefore played an important part within the day to day life of the village.
- 10.6 It is a rare local example of this type of commercial building and is an important landmark within Holmes Chapel, situated on its elevated site above the A50, making it highly visible and memorable.

Pumphouse 5, Brooks Lane, Middlewich

- 10.7 The new Brine works at Elworth necessitated the construction of a pipeline between Elworth and Middlewich, through which brine was transported. In

order to serve this pipeline, a single storey rectangular brick structure, topped with a steel header tank, was added to the existing pump house site (the scheduled monument). In addition, in order to meet the increased demand for brine, a new borehole was sunk and a Thomas Matthew deep well pump was installed in a new pump house (Pump House No.5) which was erected a short distance to the south-west of the original pump house.

- 10.8 The Number 5 pump house, transformer pole and transfer pipes are individual heritage assets which are integral parts in the history of brine extraction at this site. Together with the current scheduled pump house number 1 and the below ground remains of the power house these assets represent the last remnants of salt making in Middlewich. The Local listing of Pump House 5 will provide a more comprehensive representation of the industrial history of the brine extraction process and also reinforce the significance of the currently scheduled site.

Former Wheelock County Primary School, Crewe Road, Wheelock

- 10.9 The school was built as a national school by the Church of England and was opened in 1872. In historic records it is listed as the Christ Church National School. It was mixed school, educating both boys and girls, with capacity for 250 children. Kelly directory entries indicate the pupil numbers in the late 18th and early 19th centuries were in the region of 150.
- 10.10 The building is of Victorian Gothic design constructed in local red brick with contrasting Staffordshire blue striation and buttress detailing on the front elevation facade. Windows have stone mullions, with stone heads and sills with a feature arched window on the front elevation located within a modest projecting gable. The steeply pitched roof is covered in patterned, ornate clay tiles. A small, tiled bell tower with iron finial is located midway along the building. The master's house to the side of the school continues this design but includes substantial chimneys on the ridge and rear wing of the building.
- 10.11 In the early 1970s, the school was deemed inappropriate for modern education and a new school built (the current Wheelock Primary School). The school was closed by 1976, although the former master's house has continued to be occupied.
- 10.12 The school is a landmark building within Wheelock and, in social history terms, is a key element of the fabric of the village, alongside the churches and chapels and public houses. The investment in the school by the Church of England in the latter part of the 19th century reflects the growth in the settlement, as well as a desire on the part of the church to provide mixed education to the children of working families associated with canal, salt, chemical and other industries within the area.

Article 4 (1) - The Process

- 10.13 Article 4 of the General Permitted Development Order (as amended in 2010) includes provisions for a Local Planning Authority to apply a Direction to withdraw the permitted rights granted by the Order where it is expedient to do so. In this case the removal of rights under Part 31 relating to demolition.
- 10.14 Government advice on the matter (Circular 9/95) states: *"generally, permitted development rights should only be withdrawn in exceptional circumstances. Such action will rarely be justified unless there is a real and specific threat i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest."*
- 10.15 An Article 4(1) Direction can be applied with immediate effect. The legislation requires this should be when the Authority considers the permitted development would be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area.
- 10.16 It is considered, for the reasons stated above, that demolition of the subject buildings would meet the criteria and there is sufficient justification to apply an Article 4(1) Direction with immediate effect.
- 10.17 The LPA is required to advertise the Direction in a local newspaper; by site display in at least two locations close to the site; and by serving notice on the owner and occupier of any part of the land where feasible. It shall come into force on the date notice is served on the occupier or, where there is no occupier, on the owner of the land.
- 10.18 A copy of the Direction should be sent to the Secretary of State (SoS) on the same date on which Notice is served by the Local Planning Authority. The SoS can cancel or modify any Direction made under Article 4(1). This shall expire at the end of a period of 6 months, unless the LPA has formally confirmed the Direction.
- 10.19 The LPA can confirm the Direction 28 days after service, unless a longer period has been specified by the SoS. The LPA is required to take into account any representations received when deciding whether to confirm the Direction.
- 10.20 The effect of the proposed Article 4(1) direction would be that the demolition (whole or partial) would require planning permission. It would still be open to the LPA to approve an application, having regard to all material planning considerations including the heritage significance of the building. If the LPA refused the application, the applicant would retain the right of appeal against the decision.

Compensation

- 10.21 It should be noted that, refusal of planning permission following the making of an Article 4 Direction, or conditions of planning permission more restrictive than would have been permitted, may give rise to a claim for compensation. This would be for abortive expenditure or other loss or

damage directly attributable to the withdrawal of the permitted development rights.

Potential constraints upon development

10.22 It should be noted that retention of the buildings as part of re-development proposals could make re-development technically more challenging or problematic for certain forms of development. It may also influence commercial viability. However, all of these matters can be weighed in the balance against the heritage considerations arising from Local Listing by both officers and members as part of the consideration of the planning application.

Other Options

Benger House

10.23 Benger House was nominated for statutory listing, but English Heritage deemed it not to be worthy of Listing. However, in the report, English Heritage concluded the following:

*“Benger House is a typical “daylight factory” of the 1930s designed in a restrained form of the Art Deco style. However it does not exhibit either sufficient special interest associated with the style, or retain sufficient interest as an example of this building type to recommend statutory listing though it is **clearly of strong local interest**” (emphasis added)*

10.24 In essence, English Heritage indicated that the building has strong local significance. This supports the local view that the building is worthy of inclusion on the Local List. See report at Appendix 1

Pump House No 5

10.24 As part of an application to modify the scheduled area, Pump House 5 was included in the suggested revised boundary. However, the decision was taken by English Heritage not to include Pump House 5 as part of the Scheduled Monument for the following reasons:-

“As such the late date of this pump house, the loss of its internal features, the changes to the building since its closure, and its location away from the main core area of the brine works means that it does not meet the criteria for national importance and should not be included in the amended scheduling”

10.25 Again, whilst not worthy of national designation, the building's role in explaining the continuation of the brine industry at the site and in Middlewich more generally is important in respect to local historical interest, which merits its inclusion on the Local List. See report at Appendix 2

Former Wheelock County Primary

- 10.26 This has not been assessed by English Heritage for inclusion on the statutory list. A nomination could be put forward to English Heritage but success is unlikely, based on current information and the national listing criteria.
- 10.27 For the reasons stated earlier, the building is considered to be of local significance worthy of inclusion on the Local List.

11.0 Access to Information

Appendix 1 Benger House background information
Appendix 2 Pump House 5 Background information

The background papers relating to this report can be inspected by contacting the report writer:

1 Heritage report prepared in relation to Benger House by Peter DeFigueredo, Heritage consultant

2 Local List of Historic Buildings Supplementary Planning Document (adopted 14th October 2010)

Name: David Hallam
Designation: Principal Conservation and Design Officer
Tel No: 01625 (3)83733
Email: david.hallam@cheshireeast.gov.uk

Case Name: BENGER HOUSE**Case Number: 465510****Background**

English Heritage have been asked to assess Benger House for listing. The listing application was prompted by pre-application discussions with the local authority for re-development of the entire site which included demolition of Benger House.

Asset(s) under Assessment

Facts about the asset(s) can be found in the Annex(es) to this report.

| Annex | List Entry Number | Name | Heritage Category | EH Recommendation |
|-------|-------------------|--------------|-------------------|--------------------|
| 1 | N/A | BENGER HOUSE | Listing | Do not add to List |

Visits

| Date | Visit Type |
|--------------|-----------------|
| 04 July 2011 | Full inspection |

Context

An application to assess Benger House for listing was received shortly before the North West Regional Office was consulted on a planning application involving partial demolition of the site. As an unlisted building, and not being situated in a Conservation Area, there had necessarily been no pre-application discussions with English Heritage. The case has accordingly been treated as urgent and the owner agreed to waive consultation in order to facilitate a quick response.

Planning approval was granted on 12 Aug 2011.

Assessment**CONSULTATION**

Due to the current planning application consultation was not undertaken.

DISCUSSION

Principles of Selection for Listing Buildings (DCMS, March 2010) outlines the general principles applied in determining the special architectural and historic interest of a building. It states that "after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary."

Additionally English Heritage has published a series of Selection Guides (April, 2011) offering further guidance by building type. From the guides on Industrial Structures, and on Commerce and Exchange the following factors are particularly relevant in assessing Benger House for designation: architectural quality, the relationship between architecture and process, the survival of machinery and the level of alteration. Benger House does not retain the machinery associated with its industrial processes and the building is effectively a decorative housing for the processes rather than reflecting those processes in its form. Its architectural quality and the level of alteration are considered below.

Benger House is a late example of a type of factory introduced into this country during the 1920s and often referred to as "day-light factories" exemplified by Bryant & May's Match Factory, Garston, Liverpool (1919-21) by Mewes & Davis (listed Grade II), and most famously by the by-pass factories designed by Wallis, Gilbert & Partners such as the Hoover Factory, Perivale, London of 1932-5 (listed Grade II*) with its Egyptian motifs. As such they represented an advance in the design of factories not merely from the layout of the factory as a means to improve production efficiency but also in order to create more pleasant workplaces. The twin influences on these inter-war factories were the application of the principles of Scientific Management (seen

most successfully in the factories designed by Albert Kahn for the Ford Motor Company in the United States) and the lessons of the Design Reform movement, most usually associated with the German alliance of art and industry known as the Deutsche Werkbund soon to be seen in the “New Architecture” associated with the Bauhaus. These properties, intended to also enhance the status of industry, were introduced into this country in 1915 with the creation of the Design and Industries Association.

Some of the most notable factories of this type, such as those by Wallis, Gilbert & Partners, were designed in the then fashionable Art Deco style (named after the Exposition Internationale des Arts Decoratifs et Industriels Modernes in Paris of 1925) and its break with European tradition through embodying abstract geometric patterns, highly colourful tile work, and often sumptuous interiors in a wide variety of decorative materials. By the time that Bengier House was completed Art Deco was being challenged by the more severe and politically engaged International Style of the 1930s. Joan Skinner categorises the form of Bengier House as one of the “Geometric-phase factories”, that exhibit “a growing preference for manufacturing production to be housed in open-plan, single-storeyed buildings, suitably obscured from public view by a taller ‘office block.’ (p.223).

Whilst the long, low outline of Bengier House, the extent of the glazing, and the general disposition of the massing all conform to this new type of factory the mixture of Art Deco massing and stripped classical detailing creates a diffidence that suggests the architects were not comfortable with the so-called “New architecture” and results in a somewhat stylistically timid and unresolved design when compared to the listed examples of this period. There is little suggestion of the “New architecture” in their previous work so Bengier House may be considered exceptional in this regard and shows them to be working in a new direction. The unusual location in the small Cheshire village of Holmes Chapel may have modified any greater flamboyance in the design, as would the late date.

Internally the architectural interest is limited to the entrance and stair with its boldly sculptural treatment and glazed dome above. While the decoration of the first floor corridor and the board room are in keeping with the stair, they are very simply handled.

Although the front elevation is a competent exercise in late Art Deco it has seen the replacement of its windows and the site as a whole has undergone notable alterations and losses.

While Bengier House does represent a particular type of factory of the inter-war period, its architectural interest is focused on the façade and the principal circulation spaces. When compared with similar buildings which are listed, such as Westlink House, Hounslow, London, and the Wills Tobacco factory, Newcastle (both Grade II), Bengier House does not share the same level of architectural accomplishment. Given the need to be selective when assessing buildings of this date, Bengier House, does not exhibit the high level of architectural interest or intactness which justify listing.

CONCLUSION

Bengier House is a typical “daylight factory” of the 1930s designed in a restrained form of the Art Deco style. However it does not exhibit either sufficient special interest associated with the style, or retain sufficient interest as an example of this building type to recommend statutory listing though it is clearly of strong local interest.

REASONS FOR DESIGNATION DECISION

Bengier House, a “daylight-factory” completed in 1939 to the designs of Andrews and Butterworth in a restrained Art Deco style, is not recommended for statutory designation for the following principal reasons:

- * Age and rarity: Bengier House was completed in 1939 and is a typical factory of this period and so is not particularly rare for its date.
- * Aesthetic merits: Externally the office building is a restrained exercise in the Art Deco style, in an imposing designed setting, and internally retains a largely unaltered sequence of entrance lobby, staircase hall, and board room with some further details to the first floor corridor. However whilst these elements of the building are of note they are not sufficient by themselves to compensate for the alterations and demolitions which have taken place.
- * Selectivity: Many better examples of factory buildings of the inter-war period are represented in the lists.
- * Intactness: Alteration and demolitions have destroyed the evidence of the manufacturing processes associated with the building.

Countersigning comments:

Agreed: While the frontage of Bengier House and its principal circulation spaces have characteristic late Art Deco features, the building overall does not possess the high level of architectural interest or intactness which would merit designation of a factory of this date in the national context.

Annex 1

Factual Details

Name: BENGER HOUSE

Location: Fissons, London Road, Holmes Chapel, Cheshire,

Fissons, London Road, Holmes Chapel, Cheshire,

| County | District | District Type | Parish |
|--------|---------------|-------------------|---------------|
| | Cheshire East | Unitary Authority | Holmes Chapel |

History

Benger House was constructed on former agricultural land in 1939 as the new headquarters and manufacturing plant for Benger Foods Ltd., a manufacturer of “ethical pharmaceutical products.” At the time these included Auralgicin, a treatment for ear infections, and Benger’s Food, a milk supplement. The new headquarters building saw the company re-locate from its Manchester base (Otter Works, Mary Street, Strangeways) to new purpose-built premises in Holmes Chapel designed by the architectural practice of J.H. Andrews and Butterworth.

Benger Foods Ltd. was established as Mottershead & Co. in Manchester in 1790, acquired by Frederick Baden Benger in 1870, changing its name to Benger Foods Ltd. in 1903. The company was taken over by Fissons Ltd. in 1947.

The architects of the new building, J.H. Andrews and Butterworth of Manchester, were unusual for the time in specialising in the design of industrial buildings. The two partners were John Harris Andrews (born 1846) and Thomas Butterworth, L.R.I.B.A. (1856-1939). An album of their works held in Manchester Metropolitan University Library Special Collection reveals the extent to which they specialised in this relatively new, and professionally derided, field of commercial architecture.

At the time of the construction of Benger House, Thomas Butterworth was described as the firm’s principal, a position he had held since 1881. His obituaries, and other papers, credit him with a number of industrial buildings in the Greater Manchester area including several bakeries, printing works, a biscuit factory, a corset works, warehouses (including for the Sackville estates on Whitworth Street, Manchester), the Mosley Hotel on Manchester’s Piccadilly, together with churches, offices and shops. Additionally (perhaps as a result of Andrews position as resident Surveyor and Manager of the construction of Manchester Town Hall from 1874 until its completion) the practice was responsible for several works for Manchester Corporation including the Bloom Street Electricity station (listed Grade II), and several schools including the Johnson Street School (demolished).

At the time of his death in 1939 at the age of 82 Butterworth was described in his obituary in the “Journal of the Royal Institute of British Architects” as working “...on his plans almost to the very end”. The obituary cites Benger House as one of his chief buildings. He had earlier been joined in practice by his son, Harold Butterworth, A.R.I.B.A., who took over the practice on his father’s death.

Details

The building is composed of two principal elements, a large imposing rectangular office block facing the A50, and a series of axial planned laboratories and production facilities in three wings which lead off from this building at right angles to the north and east. The two storey office and administration block is set well back from the main road and creates a commanding position above terraced front lawns with ornamental retaining walls. This building contains the main architectural interest. To the south of the office building is a flat-roofed single storey gate-lodge controlling access to the rear of the site.

The office building is of two storeys and is built of two contrasting tones of brown brick laid in Flemish bond with imitation stone dressings. The imitation stone has been largely covered with thick granular paint in recent years which obliterates some of the detail. The front elevation is symmetrical and of seventeen bays, defined by giant order pilasters, and punctured by a central projecting tower which contains the main entrance. This entrance is emphasised by a large double-height semi-circular arch, and prominent keystone, which is sub-divided by a decorative iron balcony. The original wooden entrance doors remain but, as throughout the

building, the original metal windows characteristic of 1930s industrial architecture, have been replaced with windows of white powder coated aluminium. To either end of the façade the design is terminated by a smaller projecting tower with the window dressings balancing the central opening of the entrance tower. The façade is topped with a decorative parapet in imitation stone which hides the roof. This is supported on steel trusses and covered in Westmorland slate. Stylistically the office building is a mixture of Art Deco massing and stripped classical detail.

The north and south elevations are of similar design, four bays wide, and contained between additional double-height towers. Single storey wings (with a small central emphasis provided by imitation stone pediments to the inner courtyard space) project eastwards from these elevations and are of a more utilitarian character as befits production facilities and laboratories such that the pitched roof is revealed, there is a reduction of decorative detail, and large replacement windows dominate the symmetrical design. A later single storey extension has been added to the north, and a cross wing which originally connected the eastern wings to form a courtyard has been demolished.

The interior is principally reached by the front entrance which opens into a lobby of original timber and glass screens, and wall lights, before reaching the central staircase hall. The decorative detail to the timber screens echoes that of the parapet.

The staircase hall is top-lit by a domed decorative glass lantern of twelve sections in blue and pink glass. The decorative motifs to the base of the dome mirror those of the external balcony railings. The dome lights a staircase of speckled pale green cast terrazzo with a strongly moulded newel post and balustrade. The ground floor and tall dados are also terrazzo and tiles in the same colour respectively. Above the entrance lobby is the original board room. The decorative intent of the staircase hall is carried into the first floor corridors which are also top lit, the glazing contained within decorative plaster coving. Some of the original six-panel wooden doors survive.

Elsewhere the interior of the building is either strictly utilitarian in character and/or has undergone considerable alteration leaving the staircase hall, board room, and first floor corridor as the site of any internal architectural interest. The two single-storey blocks which run at right angles to the office building are both large open-plan spaces (one open to expose the steel roof trusses, the other enclosed by a false ceiling) with no evidence of their former function, or machinery. At a later date a new wing containing laboratories was added and which also created an enclosed space, or courtyard. This has recently been demolished. Contemporary with this laboratory was a new single storey rear extension to the office building which acted as a circulation space. This space encloses the only remaining original windows to the office building. To the north of the office building, from its junction with the north-east wing, is a further single storey open-plan post-war extension which is also devoid of any significant details.

Selected Sources

Builder, 20 January, 1939

Architect and Building News, 27 January, 1939

Journal of the Royal Institute of British Architects, 3 April, 1939

Who's Who in Architecture, 1926

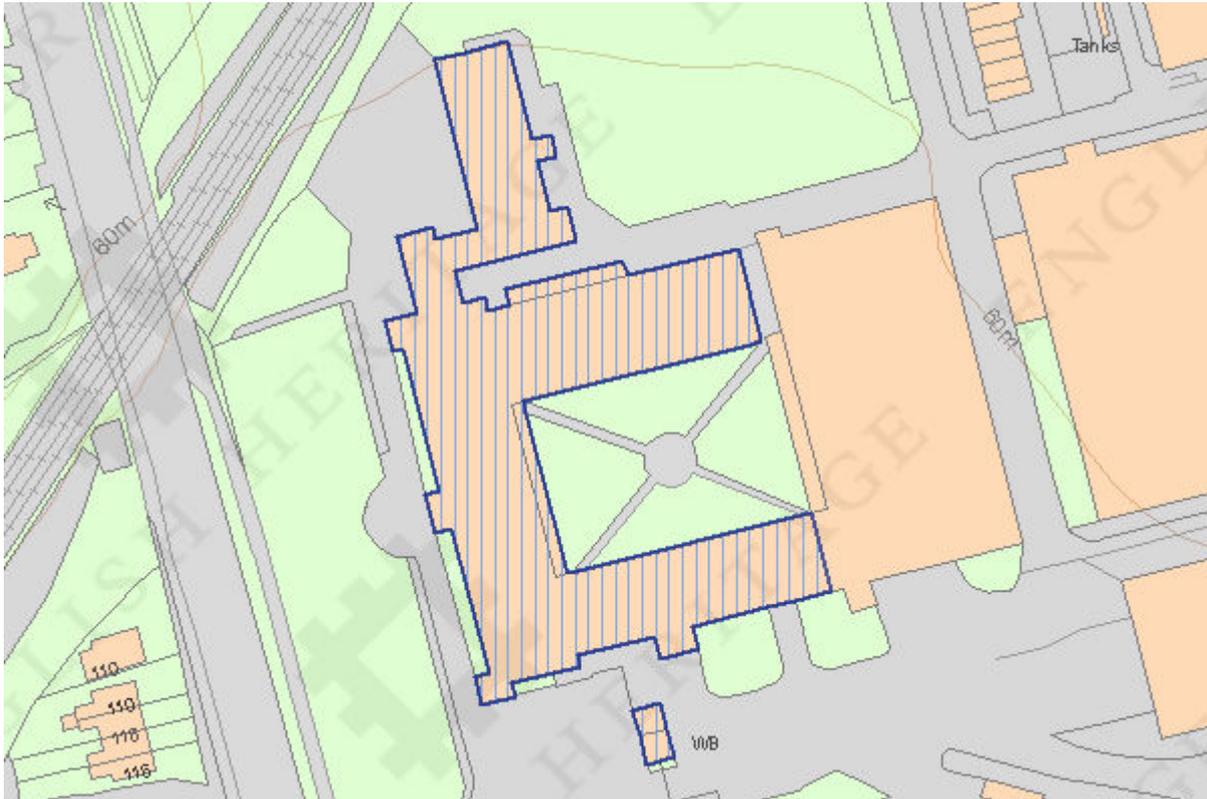
Alison Felstead, Jonathan Franklin and Leslie Pinfield, Directory of British Architects 1834-1900, 1993

Joan Skinner, Form and Fancy: Factories and Factory Buildings by Wallis Gilbert and Partners, 1919-1939, 1997

Buildings in Manchester and district designed by the firm of J.H. Andrews and Butterworth, architects and surveyors, 9, St. James's Square, Manchester, Bound portfolio of black and white photographs - some captioned, unknown, Manchester Metropolitan University Library Special Collection

Moss, M.S., Fertilisers to Pharmaceuticals: Fissons - the biography of a company 1720-1986., 1996, Ipswich Record Office

Peter De Figueiredo, Heritage assessment: former Fissons Pharmaceuticals Building, London Road, Holmes Chapel, November 2010

Map**National Grid Reference:** SJ7651966616

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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - 1402450_1_634504054912426805.pdf

Case Name: Former Murgatroyd's Brine Works at Brooks Lane**Case Number: 470974****Background**

An application to amend the scheduling of the Brine Pumps at Brooks Lane, Middlewich, has been received precipitated by the recent sale of land here and potential redevelopment plans of the new owners.

Asset(s) under Assessment

Facts about the asset(s) can be found in the Annex(es) to this report.

| Annex | List Entry Number | Name | Heritage Category | EH Recommendation |
|-------|-------------------|--|-------------------|------------------------|
| 1 | 1020122 | Murgatroyd's Brine Works | Scheduling | Amend Schedule |
| 2 | N/A | Pump House No.5 at the former Murgatroyd's Brine Works | Scheduling | Do not add to Schedule |

Visits

| Date | Visit Type |
|------------------|-----------------|
| 14 February 2012 | Full inspection |

Context

An application to amend the scheduling of the Brine Pumps at Brooks Lane, Middlewich, has been received precipitated by the recent sale of land here and potential redevelopment plans of the new owners. The current scheduling map and description do not appear to match and the new owner's solicitors and the local authority would like this disparity resolving. The applicant has also requested that the scheduling be extended to include Pump House No.5 situated to the south of the existing scheduled pump house, a transformer pole located north-west of the scheduled pump house that supplied the power source for the pumping complex after the mid-C20, and a short length of transfer pipes to the north and east of the scheduled pump house which served to transfer brine from the scheduled pump house to new salt works at Elworth. The monument was originally scheduled on 25 June 2001.

Assessment**CONSULTATION**

Nine consultation letters and emails were sent out to HER's, LPA's, owners and interested parties and two responses were received. Neither offered any additional information.

DISCUSSION

Annexe 1 of the government guidance "Scheduled Monuments" (March 2010) sets out the eight non-statutory criteria which are taken into account when assessing sites for scheduling. Of these the following are the most pertinent to this case:

Rarity: sites associated with the salt industry are relatively rare with fewer than a dozen being currently designated nationally of which under five are of C19 and C20 date. Of these only two, The Lion Salt Works and Remains of Part of the Alliance Salt Works (1020841 & 1160985), and the Multi-period Salt Production Works in Droitwich (1020256) retain evidence for their brine pumps, pump houses or engine houses.

Documentation: good quality modern documentation of Murgatroyd's Brine Works has been produced through an archaeological building survey being undertaken in 2011. This complements earlier maps and photographs of the site held within the Cheshire HER.

Survival: the remains of the former brine works are fragmentary yet what does survive survives well and includes both upstanding and below ground features consisting of core elements of the works comprising the brine shaft, brine pumps, two pump houses, a pump head gantry, a header tank and its brick base, electrical pumps, power distribution transformer, power house and part of the transfer pipes for moving brine to the Elworth processing plant.

Potential: this site clearly has the potential to enhance our understanding of the C19 & C20 salt extraction industry in general, and in particular how this element of the industry was developed and improved during the period of brine work's lifetime.

The former Murgatroyd's Brine Works is a rare survival of a C19 & C20 salt industry site and its national importance is reflected in the fact that it became a scheduled ancient monument in 2001. Recent archaeological building survey work has highlighted the fact that core elements of the brine works survive well and were not included within the original scheduling; these include upstanding and below ground features comprising the header tank and its brick base, electrical pumps, power distribution transformer and its supporting wooden poles, and part of the transfer pipes. As these features were key elements in the pumping and transfer of brine at this site they are considered to be of national importance and thus the scheduling should be amended to include them.

Pump House No.5 also formed part of the brine works from the early 1950s. It was a late addition to the complex, is a modest structure of minimum architectural or historic interest, and is devoid of technological innovation. Since closure of the plant it has had its brine shaft capped, all its internal features removed, and has had a large modern up-and-over door inserted in one end. Its location, some 40m to the south of the existing scheduled pump house, means that it is divorced from the main core area of brine pumping and transferring. As such the late date of this pump house, the loss of its internal features, the changes to the building since its closure, and its location away from the main core area of the brine works means that it does not meet the criteria for national importance and should not be included in the amended scheduling.

The original scheduling map did not correspond to the monument's original description, appearing to indicate that only the area containing the main pump house was scheduled. It is now considered appropriate that the scheduled map be amended to include all the upstanding and below ground features that form the core area of the nationally important brine works together with the archaeologically sensitive ground between all these features.

CONCLUSION

After examining all the records and other relevant information and having carefully considered the archaeological and historic importance of this case, the criteria for amending the Schedule entry and the map are fulfilled.

REASONS FOR DESIGNATION DECISION

The scheduling of the C19 & C20 brine extraction works should be amended for the following principal reasons:

- *Inaccuracies: the list description and map are not consistent with each other
- *Modernisation: the description should be updated to reflect current standards
- *Inclusions: the header tank and its brick base, the electrical pumps, the power distribution transformer and its supporting wooden poles, and part of the transfer pipes adjacent to the brine plant, together with the archaeologically sensitive ground between these features, should be added to the Schedule because they are integral elements of the core area of the brine extraction and transfer activities here.

REASONS FOR DESIGNATION DECISION

The No.5 pump house at the former Murgatroyd's Brine Works is not recommended for scheduling for the following principal reasons:

- * Loss of original fixtures and fittings: capping of the brine well and removal of all original machinery means that the pump house lacks the original technological equipment necessary for pumping the brine out.
- * Date: the pump house is a late addition to the brine works and is a modest structure lacking technological or architectural innovation
- * Group value: the pump house is divorced from the surviving main core area of the brine extraction plant.

Countersigning comments:

Agreed. An amendment should be issued to clarify the extent of the area to be protected by scheduling.

Annex 1

List Entry

List Entry Summary

This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance.

Name: Murgatroyd's Brine Works

List Entry Number: 1020122

Location

Approximately 100m east of Brooks Lane, Middlewich, East Cheshire

The monument may lie within the boundary of more than one authority.

| County | District | District Type | Parish |
|--------|---------------|-------------------|------------|
| | Cheshire East | Unitary Authority | Middlewich |

National Park: Not applicable to this List entry.

Grade: Not Applicable to this List Entry

Date first scheduled: 25 June 2001

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: RSM

Legacy Number: 34588

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Monument

Murgatroyd's Brine Works consists of two brine pump houses, three brine pumps, a timber pump head gantry, a brine shaft, a capped brine shaft, a header tank, two external electrical pumps, a pole-mounted power distribution transformer, part of two transfer pipes and the buried remains of the original steam-power plant.

Reasons for Designation

Murgatroyd's Brine Works are scheduled for the following principal reasons:

- * Survival: the remains survive well and retain both upstanding structures and below ground archaeological deposits that together illustrate the development in the pumping and transferring of brine throughout the plant's lifetime
- * Rarity: the brine pumps, shaft, pump house, gantry, header tank, electrical pumps, power distribution transformer and power house are a very rare survival of a 'wild' brine pumping plant that retains most of the typical features of a late 19th/20th century installation
- * Documentation: a modern archaeological building survey has been undertaken which adds to the site's history.
- * Potential: this site clearly has the potential to enhance our understanding of the C19 & C20 salt extraction industry in general, and in particular how this element of the industry was developed and improved during the period of brine work's lifetime.

History

Cheshire is home to the largest area of rock salt beds in Britain. Salt production was an important industry in Roman Britain and the Roman name for Middlewich was Salinae, which is taken to mean 'the salt workings'. Salt was being produced at Middlewich at the time of the Norman Conquest and by the C13 there were approximately 100 salthouses in the town, clustered around two brine pits. The Industrial Revolution saw a huge increase in salt production and in order to control the fluctuating price of salt a cartel known as the Salt Union comprising over 90% of the UK salt industry was formed in 1888. Five months after the formation of the Salt Union George Murgatroyd, a Manchester-based engineer, bought land on the edge of Middlewich and sunk a well followed by exploratory adits. A wild brine spring was found and the Murgatroyd Mid-Cheshire Salt Works Company was formed in 1889.

At its most basic level a C19 or early C20 brine extraction plant would generally comprise a mine with shafts and/or levels, pumps for drainage and/or extracting the brine, a pump house and a power house for providing power for operating the pumps. Additional features such as pump head gantries, header tanks and electrical power transformers may also be present.

A building survey of Murgatroyd's Brine Works carried out by Oxford Archaeology North in January 2011 identified six phases of development which reflect the expansion of Murgatroyd's and the plant's evolution from steam to electric brine extraction:

- 1) 1890-1931: construction of the shaft, timber gantry, original pump house and power house or steam engine house.
- 2) 1932-1946: remodelling and expansion of the complex including construction of a new pump house to replace the earlier one and the introduction of a new pump.
- 3) 1947-1952: construction of a header tank and pipe for pumping brine to a new brine processing plant at Elworth 2.5 miles away together with the introduction two electric pumps located in an asbestos-roofed structure on the north-western side of the new header tank. This period also saw the erection of a pole-mounted power distribution transformer.
- 4) 1953-1964: insertion of a new pump to replace the original steam-powered pump and extension of the pump house at its eastern end. Demolition of the original steam power house in 1952-3.
- 5) 1965-1977: installation of a submersible brine pump, which also fed brine into the header tank.
- 6) Post-1977: the site was sold to Congleton Borough Council for redevelopment. In June 2001 the surviving brine pumps, timber pump head gantry, the brine shaft, and the building enclosing the pumps and lower part of the gantry were scheduled together with an area immediately to the south of the pump house where buried remains of the C19 power house are considered to survive.

Details

Pump House

This is a single-storey, multi-phase building enclosing brine pumps for raising the brine to the surface, inspection hatches and the lower part of the timber head gantry. It is aligned east-west, measures approximately 12m by 5m, and is built largely of brick but with timber stud framing supporting asbestos sheeting on part of the south elevation. The roof is pitched and of asbestos sheeting. The western gable is the only original gable wall and it contains the original access, now boarded, which was afforded through a double door beneath a two-rowlock segmentally-arched brick lintel. The north elevation has an original window opening, now boarded, beneath a lintel of similar design to that above the west gable door. There is a wide central doorway with asbestos cladding over an earlier timber door. The doorway retains its original lintel formed of a single I-section steel beam. Adjacent to this door a brick base for a large brine storage tank has

been inserted into the fabric of the pump house. The eastern gable is entirely rebuilt in buff-coloured brickwork and contains a small brick outshut that was formerly a porch or cloakroom to the pump house. The outshut has a door in its south end and a blocked doorway in its north end. The south elevation has an off-centre door that gives access through the timber stud framing into the building. There is a boarded window in the asbestos sheeting to the right of this door and a boarded window beneath a modern concrete lintel to the left of the door.

Brine Pumps

Consisting of two deep well pumps positioned atop the brine shaft and a third submersible centrifugal pump situated within the brine shaft. The two deep well pumps are both replacement pumps and were inserted in 1932 and 1953 respectively with the western pump being the earliest. They were supplied by John Thom Ltd of Walkden, Manchester, with the earlier pump retaining the Mather and Platt Ltd maker's plate on its electric motor. Both are set upon heavy cast bearings supported on a concrete floor. The pumps have working barrels or cylinders of 0.25m diameter and a piston stroke of 0.9m and carried brine into the header tank. The working barrel is attached to 61m of 0.25m diameter bore cast iron rising main. Below the barrel is 30m of 0.15m diameter bore mild steel suction pipe or tail pipe. This long tail pipe reaches deep down into the brine and serves two purposes: it draws brine from the lowest possible level where the brine is the densest and unaffected by surface water seepage, and it also allows for considerable variation in working level. The submersible pump was manufactured by Jas Beresford, model 3KT S13-5 and was installed in 1965. It is a three-stage centrifugal pump rated at 45,500 litres per hour of brine at 40m head consuming 12.5 hp. Its integral motor is rated at 13.0 hp.

Brine Shaft

Access to the brine was obtained via a rectangular shaft about 100m deep. The upper 18m of the shaft - the well head - is approximately 2.44m square and is timber-lined with pitched pine boards. The lower portion of the shaft is 1.2m square and, being driven through solid marl and rock salt, is unlined.

Timber Pump Head Gantry

The pump head gantry was constructed in 1890 and reinforced with mild steel cross bracing in 1952. It is approximately 2m square at the base and stands astride the two deep well pumps. It rises through the roof of the pump house to a height of about 9.6m.

Header Tank

Supported on a brick base measuring about 3.8m by 2.45m. It is constructed from welded steel sheeting and is supported by three transverse I-section steel joists. A central rectangular boarded window in the east wall of the tank base originally formed a doorway affording access into the interior of the base. A metal fixed ladder gives external access onto the top of the brine tank. Access into the tank base is now from the pump house. It contains two brine pipes together with electrical components associated with the operation of the electric transfer pumps and the pumping of brine to the Elworth works.

External Electrical Pumps

These are located on stone bases on a concrete platform measuring about 4.1m by 3.8m which abuts the northern side of the brine tank base. The two 'Gwynne' electric motor pumps equipped with 'Glenfield' control valves have pipes leading into the brine tank structure and electrical ducting into both the header tank structure and the pump house. A temporary structure which formerly housed the electric pumps has recently been removed.

Power Distribution Transformer

Situated a short distance to the north-west of the pump house and consisting of two timber poles, one about 6m tall the other about 7m tall, situated about 1.3m apart and connected by two metal struts, the lower one of which supports an electrical transformer box.

Power House

A former boiler house built to power the original steam pumps. It was an irregularly-shaped building located immediately south of the pump house and measured about 16m by 10m. Although the building was

demolished in 1952-3 important buried remains of the footings for the building, engine and boiler are considered likely to survive.

Extent of Scheduling

This includes the pump house together with its brine pumps, brine shaft and pump head gantry, the header tank and its brick base, the two external electric pumps and the concrete base upon which they sit, the power distribution transformer and its supporting poles, the buried remains of the power house lying immediately south of the pump house, and a short length of the buried remains of the transfer pipes used for moving brine from the header tank to the processing plant at Elworth. This area includes a 2m margin beyond the buried remains of the power house, a 2m margin beyond the west side of the pump house, a 2m margin beyond the west and north sides of the power distribution transformer and its supporting poles, and a 2m boundary beyond the west and north sides of the buried remains of the transfer pipes all of which are considered essential for the support and preservation of these features. The eastern side of the area is delineated by property boundaries.

Pump House no 5, some 40m to the south of the core pump house, is not included in the scheduling.

Exclusions

All modern buildings, modern ground surfaces and property boundaries are excluded from the scheduling, the ground beneath these features, however, is included.

Selected Sources

Brine Pumphouse Brooks Lane Middlewich, 1890

Cheshire County Council Sites and Monuments Record, 1995

Murgatroyd's Salt & Chemical Company LTD., 1954

Personal Communication with George Twigg, 2000

Thomas, J.R., Brine Supply and Brine Pumping, 1972

Oxford Archaeology North, Murgatroyd's Brine Works, Middlewich, Cheshire; Archaeological Building Survey, Building Survey, 2011, Cheshire HER

Map**National Grid Reference:** SJ7089665989

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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - 1020122_2.pdf

Former List Entry

List Entry Summary

This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it appears to the Secretary of State to be of national importance.

Name: Brine pumps at Brooks Lane

List Entry Number: 1020122

Location

No address description available

The monument may lie within the boundary of more than one authority.

National Park: Not applicable to this List entry.

Grade: Not Applicable to this List Entry

Date first scheduled: 25 June 2001

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: RSM

Legacy Number: 34588

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Monument

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

Salt has been produced from inland brine sources from at least the Iron Age onwards in both Worcester and Cheshire. Initially, natural brine springs and pits were used, but by the late Middle Ages pumps were inserted into brine pits to increase the supply. In the late 17th century, the monopoly of the salt boroughs (which controlled the natural brine springs and wells) was broken, and new shafts were sunk at other locations to pump to the surface the 'wild' underground brines (formed by ground water percolating through rock-salt beds). Through the 18th and 19th centuries, pumped 'wild' brine continued

to be the main source for salt production, and (from the 19th century) for salt based chemical industries. Pumping technology developed in step with that of the mining engines, from horse-power via the steam powered beam engine to more sophisticated steam-powered pumps, and finally to the use of diesel and electrical pumps.

The pumping of 'wild' brine was phased out in the 20th century, due to the subsidence problems that it caused, and replaced by 'controlled brine pumping', a process in which water is passed down boreholes into dry rock-salt beds, and the resultant brine pumped up again, creating localised cavities in the salt bed that do not result in surface subsidence.

The Brooks Lane brine pumps, shaft, and headgear are a very rare survival of a 'wild' brine pumping installation, retaining most of the typical features of a late 19th/20th century installation.

History

Legacy Record - This information may be included in the List Entry Details.

Details

The monument includes Murgatroyd's Salt Works brine pumping station which is situated 100m east of Brooks Lane, Middlewich. The monument includes the brine pumps, timber pump head gantry, the brineshaft, the building enclosing the pumps and gantry and the site of the 19th century powerhouse immediately to the south.

The Brooks Lane area of Middlewich overlies a number of beds of rock salt. A natural brine formed in the uppermost of these beds, at a depth of 60m below present ground surface. It was this source of brine that was pumped by the various salt works in the vicinity of Brooks Lane.

Access to the brine was obtained via a rectangular shaft 100m deep with a horizontal adit approximately 22m long, driven in a north westerly direction 60m below the surface. The upper 18m of the shaft is 2.4 sq m and fully lined with pitch pine timbers. The lower portion is 1.2 sq m and, being driven through solid marl and rock salt, is unlined. Brine was raised to the surface by means of three pumps. Two are deep well pumps and the third is a submersible three stage centrifugal pump, all of which operated in the shaft.

The two deep well pumps in the shaft were manufactured by John Thom. The first was installed in 1932 and the second in 1953. The pumps have a working barrel or cylinder of 9.5in and a piston stroke of 36in. The working barrel is attached to 200ft of 10in bore cast iron rising main. Below the barrel is 100ft of 6in bore mild steel suction pipe or tail pipe. The long tail pipe reaching deep down into the brine serves two purposes: it draws brine from the lowest possible level where the brine is the densest and unaffected by surface water seeping in, and it also allows for considerable variation in working level. The submersible pump was manufactured by Jas Beresford, model 3KT S13-5, a three stage centrifugal pump rated at 10,000 gallons per hour of brine at 132ft head consuming 12.5 hp. The integral motor is rated at 13.0 hp. This pump was installed in 1965. The original timber head gantry, constructed in 1890 and reinforced with mild steel cross-bracing in 1952, measures approximately 2 sq m at the base and is approximately 16.5m high. This was used during maintenance and repair work on the pumps. The building enclosing the timber head gantry and brine pumps is a gabled brick and asbestos structure with a corrugated asbestos roof supported on steel trusses. The building is orientated east-west, measures approximately 11m by 5m and is the product of a number of phases of construction work. The western portion of the building is of dark red brick. In the southern elevation of this fabric is a small segmental arched window with a concrete sill which accommodates a wooden framed window. This is repeated in the northern elevation of this fabric. In the western elevation is a large segmental arched doorway, measuring approximately 1.8m wide and 2.4m high. This fabric is thought to represent the remains of a free-standing structure of c.1890-1900, complete save its original roof. The remainder of the building consists of asbestos and a buff brick fabric. The south elevation of the remaining fabric consists of corrugated asbestos cladding within which are two large wooden framed windows. The eastern elevation is of a buff brick, against which a low porch of buff

brick, with a lean-to corrugated asbestos roof has been constructed. The north elevation is largely obscured by vegetation. Cut into the fabric of the east end is a brick plinth upon which a header tank rests. Butted against the north west elevation of the plinth is a lean-to structure of corrugated asbestos cladding. The original power supply for the brine pumps was situated in a timber building immediately to the south of the pumps. This building, measuring approximately 16m by 9m and orientated north to south, housed a horizontal steam engine and a Cornish boiler. This building was demolished in 1952-3, but the footings for the building, engine and boiler are thought to remain below the present ground level.

The shaft for the brine pumps was sunk by G L Murgatroyd on his own land in 1889, striking a plentiful supply of brine. By 1890 Murgatroyd's Ammonia Soda and Salt Syndicate was formed and a large ammonia-soda works was constructed. Murgatroyd's death in 1894 led to the break up of the syndicate and Ivan Levinstein, chairman of the Syndicate, acquired the salt works which continued to trade under the Murgatroyd name. Following Ivan Levinstein's death in 1916, the works passed to his son, Herbert, who was also the Managing Director of the British Dyestuffs Corporation, which in turn became part of ICI in 1927. Following the World War II, Herbert Levinstein obtained financial support from the Government's Finance Corporation to set up Murgatroyd's Salt and Chemical Company. This company, which began production in 1950, continued to use the brine pumps at the Brooks Lane site where an additional pump was installed in 1953. The company later became part of BP chemicals. Pumping of brine at the Brooks Lane site ceased in 1977 as part of the County Council's policy to eliminate 'wild' brine pumping. Following the end of brine pumping, the site was sold to Congleton Borough Council and the pumps retained as the last remnant of salt making in Middlewich.

Excluded from the scheduling are the brick and concrete structure with a pitched roof immediately to the south of the brine pumps, the portacabin immediately to the west of the brine pumps, the electricity pylon to the north east of the brine pumps and all fencing, although the ground beneath them is included.

MAP EXTRACT

The site of the monument is shown on the attached map extract. It includes a 2 metre boundary around the archaeological features, considered to be essential for the monument's support and preservation.

Selected Sources

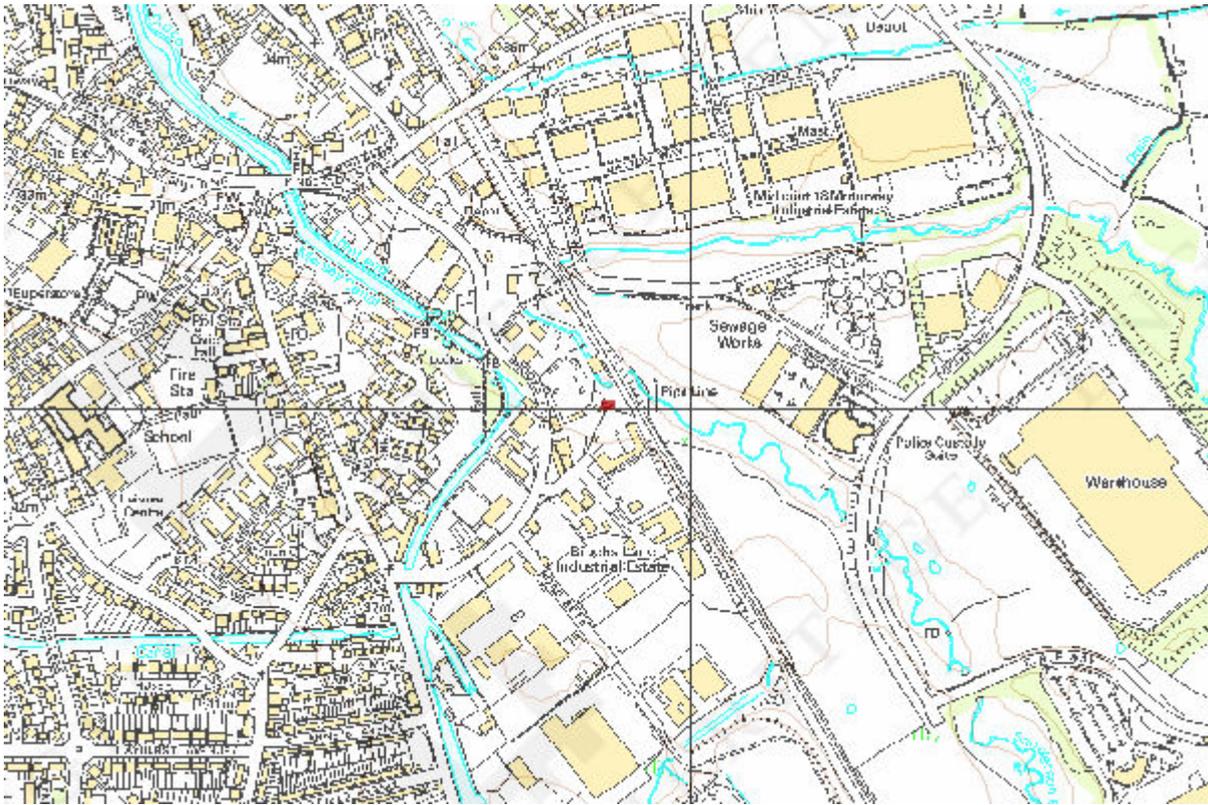
Brine Pumphouse Brooks Lane Middlewich, 1890

Cheshire County Council Sites and Monuments Record, 1995

Murgatroyd's Salt & Chemical Company LTD., 1954

Personal Communication with George Twigg, 2000

Thomas, J.R., Brine Supply and Brine Pumping, 1972

Map**National Grid Reference:** SJ 70887 66010

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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - 1020122_1.pdf

Annex 2

Factual Details

Name: Pump House No.5 at the former Murgatroyd's Brine Works

Location: East of Brooks Lane, Middlewich, East Cheshire

| County | District | District Type | Parish |
|--------|---------------|-------------------|------------|
| | Cheshire East | Unitary Authority | Middlewich |

History

Cheshire is home to the largest area of rock salt beds in Britain. Salt production was an important industry in Roman Britain and the Roman name for Middlewich was Salinae, which is taken to mean 'the salt workings'. Salt was being produced at Middlewich at the time of the Norman Conquest and by the C13 there were approximately 100 salthouses in the town, clustered around two brine pits. The Industrial Revolution saw a huge increase in salt production and in order to control the fluctuating price of salt a cartel known as the Salt

Union comprising over 90% of the UK salt industry was formed in 1888. Five months after the formation of the Salt Union George Murgatroyd, a Manchester-based engineer, bought land on the edge of Middlewich and sunk a well followed by exploratory adits. A wild brine spring was found and the Murgatroyd Mid-Cheshire Salt Works Company was formed in 1889.

At its most basic level a C19 or early C20 brine extraction plant would generally comprise a mine with shafts and/or levels, pumps for drainage and/or extracting the brine, a pump house and a power house for providing power for operating the pumps. Additional features such as pump head gantries, header tanks and electrical power transformers may also be present.

A building survey of Murgatroyd's Brine Works carried out by Oxford Archaeology North in January 2011 identified six phases of development which reflect the expansion of Murgatroyd's and the plant's evolution from steam to electric brine extraction:

- 1) 1890-1931: construction of the shaft, timber gantry, original pump house and power house or steam engine house.
- 2) 1932-1946: remodelling and expansion of the complex including construction of a new pump house to replace the earlier one and the introduction of a new pump.
- 3) 1947-1952: construction of a header tank and pipe for pumping brine to a new brine processing plant at Elworth 2.5 miles away together with the introduction two electric pumps located in an asbestos-roofed structure on the north-western side of the new header tank. This period also saw the construction of Pump House No.5 and erection of a pole-mounted power distribution transformer and the cons
- 4) 1953-1964: insertion of a new pump to replace the original steam-powered pump and extension of the pump house at its eastern end. Demolition of the original steam power house in 1952-3.
- 5) 1965-1977: installation of a submersible brine pump, which also fed brine into the header tank.
- 6) Post-1977: the site was sold to Congleton Borough Council for redevelopment the pump removed from Pump House No.5 and the borehole capped. In June 2001 the surviving brine pumps, timber pump head gantry, the brine shaft, and the building enclosing the pumps and lower part of the gantry were scheduled together with an area immediately to the south of the pump house where buried remains of the C19 power house are considered to survive.

Details

Pump House No 5 is an early 1950s-built single-storey structure aligned NNE-SSW that measures about 6.5m by 4.5m. It is built of brick with a pitched roof of asbestos sheeting. The south gable elevation has a large modern metal up-and-over door. Both long elevations have two rectangular openings. The north gable elevation has a metal door close to its left corner. The interior wasn't visited but it is reported that the pump has been removed and the brine shaft capped.

Selected Sources

Cheshire County Council SMR, 1994

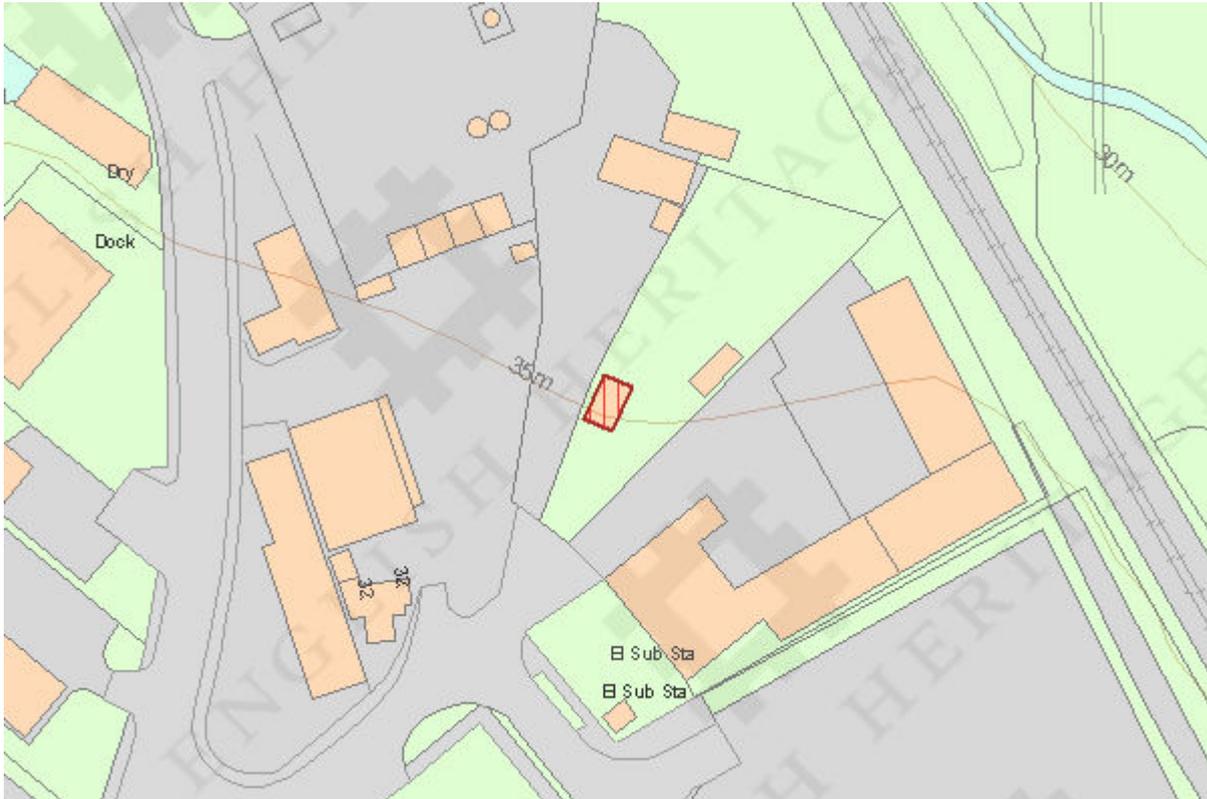
Brine Pumphouse Brooks Lane Middlewich, 1890

Brine Supply and Brine Pumping, 1972

Murgatroyd's Salt & Chemical Company LTD, 1954

Personal Communication with George Twigg, 2000

Oxford Archaeology North, Murgatroyd's Brine Works, Middlewich, Cheshire; Archaeological Building Survey, Building Survey, 2011, Cheshire HER

Map**National Grid Reference: SJ7087465962**

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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - 1409064_1.pdf