

# DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the council's Constitution

**Decision maker:** Cabinet Member for Children and Family Services

**Date:** 22 Apr 2013

**Decision in the matter of:** Proposed School Expansions - Wilmslow and Macclesfield

**Decision:** That approval be given to commence statutory consultation on the following proposed expansions for completion in September 2014:

- **Wilmslow Grange Community Primary and Nursery School, Handforth** - from 210 to 315 pupil places;
- **Dean Oaks Primary, Wilmslow** - from 315 to 420 pupil places
- **Lacey Green Primary Academy\*** - from 300 to 420 pupils places;
- **Ash Grove Primary School and Nursery, Macclesfield** – from 105 to 210 pupil places.

It should be noted that the Local Authority cannot propose the expansion of an Academy. This is the responsibility of the Academy Trust. The purpose of including the Lacey Green proposal in the Authority's consultation exercise is to work in collaboration with the Academy and to provide clarity for all consultees on the plans for growth in the Wilmslow area. The headteacher and governing body support the Local Authority in this approach.

As the Strategic Commissioner of School Places, the Local Authority has a statutory duty to review provision within its area and to establish future demand. Pupil forecasts for the Wilmslow area indicate a shortfall of 227 primary school places by 2018. Permission to consult on three expansion proposals is therefore being requested. These expansions would provide an additional 330 places (all year groups) for the Wilmslow area with these additional places being phased in at the normal point of entry to school (15 places per school per year). This would deliver an additional 225 places by 2018 and would allow the reception admission to increase from 360 pupil places to 405 pupil places (+45) and therefore more in line with current and forecast demand.

The proposal to expand Ash Grove Primary School and Nursery, Macclesfield is to address the increasing demand for places from the school's local community. This school previously had a higher intake of 47 pupils up until 2005 when it was reduced to a 25 intake following a review of surplus places implemented by the former Cheshire County Council. A further reduction was made in 2011 taking the school to a half form of entry primary school with an intake of 15 pupils at the normal point of entry and reducing the school's overall capacity to 105 places.

In making these recommendations the Authority has given consideration to a number of issues including the number of pupils in each school's catchment area and the community's ability to sustain the school, the number of first preferences received for each school as an indication of popularity, the current size of the school and capacity to expand; the latter taking into account site suitability, and the latest Ofsted inspections.

Suitable schools also need to be central to the areas where the extra places are required.

The advice of the Council's Legal and Finance Officers has been taken into account in producing the report presented to the Portfolio Holder.

The background papers relating to this matter may be inspected by contacting the report writer.

**Background Documents:**

Proposed School Expansion Report

Appendix 1 Wilmslow Area Consultation Document 2 doc

Appendix 2 Wilmslow Response Form

Appendix 3 Equality Impact Assessment (EIA) Wilmslow Area (1)

Appendix 4 Ashgrove Consultation Document

Appendix 5 Ashgrove Consultation Response Form

Appendix 6 Equality Impact Assessment (EIA)

**Approved:** Councillor Rachel Bailey (Cabinet Member Children and Family Services )

**Date:** 22 April 2013

**Advising Officer:** Barbara Dale (School Admissions and Organisation Manager)

**Decision maker:** Cabinet Member for Children and Family Services

**Date:** 22 Apr 2013

**Decision in the matter of:** Discharge of Section 106 Agreement to 62561P

**Decision:** That permission be granted to Discharge of Section 106 Agreement to 62561P, Springbank Farm, Fanshawe Lane, Henbury

To seek the approval of the Portfolio Holder for the discharge of a Section 106 Agreement, which restricts occupancy of the existing dwelling at Springbank Farm Fanshawe Lane, Henbury to an agricultural worker. The Section 106 Agreement also restricts the dwelling to be sold off separately from the land associated with the agricultural unit. The applicants now seek to release Springbank Farm from the obligation following approval of application, 12/2775M, which was an application to remove the agricultural occupancy condition attached to permission 62561P.

The discharge of the Section 106 Agreement is considered to be acceptable in planning policy terms as the principle of the removal of the occupancy condition i.e. unfettered dwelling (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 106 Agreement

It is recommended that the Interim Monitoring Officer discharge the section 106 Agreement by Deed of Agreement with the current landowner (the same landowner who entered into the 1991 Agreement).

The background papers relating to this matter may be inspected by contacting the report writer.

**Documents:** Springbank Farm 2 (2) Final

**Approved:** Councillor Rachel Bailey (Cabinet Member Children and Family Services)

**Date:** 22 April 2013

**Advising Officer:** Louise Whinnet (Senior Planning Officer)

**Decision maker:** Cabinet Member for Children and Family Services

**Date:** 22 Apr 2013

**Decision in the matter of:** Discharge of Section 52 Agreement at Stumps, Farm Lane, Lower Withington, SK11 9DU

**Decision:** That permission be granted to discharge the 6 Clauses contained in the Section 52 Agreement at Stumps Farm, Farm Lane, Lower Withington.

Permission was granted in 1976 under application referenced 5/04428 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).

The applicant is seeking to be released from the Section 52 Agreement. Clause 1 of the agreement restricts the sale/lease/subletting of the dwelling separately from the rest of the land; Clause 2 restricts the occupancy of the dwelling to a person solely or mainly employed in agriculture or forestry. Clauses 3, 4 and 5 relate to the removal of a caravan from the land. Clause 6 requires the payment of £1 to the Council being the stamp duty payable on the deed.

Condition 4 of the planning permission which the applicant would still be bound by. Additionally a second dwelling at the site has been released from its Section 52 Agreement in similar circumstances which has set a precedent at this site. The caravan has been removed from the site. On this basis it is not considered reasonable or necessary to refuse to remove the Section 52 Agreement.

The background papers relating to this matter may be inspected by contacting the report writer.

**Background Documents:** Stumps Four Oaks - s52 report

**Approved:** Councillor Rachel Bailey (Cabinet Member Children and Family Services)

**Date:** 22 April 2013

**Advising Officer:** Martin Lomas (Planning Officer)