



TO: Planning Committee North

BY: Head of Development

DATE: 03 October 2017

DEVELOPMENT: Amendment to planning obligation under S106 agreement (ref: DC/13/1886) to allow 18 non-residential day places for new school.

SITE: Rapkyns Estate Guildford Road Broadbridge Heath Horsham West Sussex RH12 3PQ

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: S106/17/0010

APPLICANT: **Name:** SHC Rapkyns Group Ltd
Address: Guildford Road, Broadbridge Heath

REASON FOR INCLUSION ON THE AGENDA: Cllr Youtan has requested this proposal be considered by Planning Committee.

RECOMMENDATION: Permit the modification to Section 5.1.3 of S106 agreement (legal ref: PAG/997) attached to permission DC/13/1886 to allow no more than 18 non-residential day places offered to pupils who are not resident on the Owner's Estate at the school.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 In May 2014, permission was granted for a new school (known as New Barn School) for children with special educational needs at the Rapkyns site (ref: DC/13/1886). The school is predominantly for pupils with autism and associated difficulties. It is now built and operational and is currently establishing itself with a capacity for 34 pupils.
- 1.2 Under the Section 106 agreement for DC/13/1886, the school is limited to no more than 8 non-residential day places. The remaining spaces are for residential pupils who stay in houses next to the school during term time, within the Rapkyns site.
- 1.3 The current proposal seeks a modification to the agreement to allow up to 18 non-residential day places. Non-residential day places refers to students who travel to and from the school from their respective homes.

DESCRIPTION OF THE SITE

- 1.4 The application site lies in the countryside approximately 1 mile to the west of Broadbridge Heath and is one of a number of properties accessed via the Rapkyns Care Centre entrance from the A281 Guildford Road.

- 1.5 New Barn School is the first building encountered when accessing the site. This recently completed building is a modern timber clad purpose built two-storey structure. The school includes a separate sports hall, an outdoor sports court and a separate teaching and office building. The school is surrounded by open fields to the east and north.
- 1.6 The school caters for the educational needs of children with special needs. The school also helps children with their living skills. The aim of the school is to engage and challenge pupils both academically and socially with a strong emphasis on personal development.
- 1.7 This is the first term for the school and they have 10 children enrolled, aged between 7-19 years old. The school currently employs 13 staff. It is envisaged that this will increase to between 15-20 staff when the school is at capacity of 34 pupils.
- 1.8 Two students at the school currently reside at a separate house (The Clockhouse) which is south of the Rapkyns site among privately owned houses. This dwelling is registered to accommodate 4 children. Plans are also in place to use another dwelling at The Farmhouse for residential accommodation for 4 children. The school also has use of another dwelling adjacent to the school called Rapkyns Cottage, which can accommodate 6 children.
- 1.9 Resident pupils could potentially come from anywhere in the country. It is the policy of the school for these placements to be for local children, where possible. Current resident pupils are on 52 week placements. Going forward the school is also going to accept 38 week (term time) placements.
- 1.10 The majority of the rest of the site is taken up by Rapkyns Care Home which is adjacent to New Barn School to the west. The care home includes a number of modern two-storey buildings. The site also includes Rapkyns Nursing Home located to the western edge of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

NPPF4 – Promoting Sustainable Transport

Horsham District Planning Framework (HDPF 2015)

HDPF1 – Strategic Policy: Sustainable Development

HDPF33 – Development Principles

HDPF40 – Sustainable Transport

HDPF41 – Parking

HDPF42 – Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

The Rapkyns Site is within the parish of Slinfold. Slinfold Parish has produced a Submission Neighbourhood Plan. The plan does not include any reference to the Rapkyns site. Currently, it is anticipated that the Plan will be examined by an Inspector in October.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/1886	Demolition of existing equestrian buildings. Change of use of land to provide a school (Class C2 - residential education and training centre) for children with special educational needs. Erection of school building, formation of car parking area, new access and landscaping.	Application Permitted on 02.05.2014
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3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

OUTSIDE AGENCIES

- 3.2 **WSCC Highways (summarised):** No highway objection.
- 3.3 **WSCC Directorate of Children, Adults, Families, Health and Education (summarised):** Support. The school is situated within West Sussex and caters for students with high functioning autism and associated disorders and has a registered capacity of 34 students. Within this cohort group the County Council has a higher demand for day placements and would be unlikely to utilise residential accommodation. The County Council is pleased to support a change in obligation to increase the number of day placements to 18.

PUBLIC CONSULTATIONS

- 3.3 **Slinfold Parish Council:** No comment.
- 3.4 Councillor Youtan has objected to the application on the following grounds:
- Serious concern is raised regarding this application and to allowing the school to be used by pupils from other counties. Respective counties should be dealing with their own students.
 - The area is rural and there is concern that this could result in an expansion to the school.
 - Highway concerns are raised. The A281 is a busy road and additional day could result in traffic problems with the timings of pupils arriving.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 Under DC/13/1886, permission was granted for a new school for children with special educational needs. A Section 106 agreement was drawn up in connection with this approval. The agreement limits the school to the following:
- No more than 34 pupils.
 - More than 50% of the pupils to be resident on the owner's estate.
 - No more than 8 non-residential day places offered to pupils who are not resident on the owner's estate.
- 6.2 The school is now up and running. The applicants are now seeking permission to vary the limitations of the S106 agreement to allow up to 18 non-residential places. The school advises that they need this flexibility as one of the houses they intend to use for residential pupils will not be available immediately. Permission and listed building consent have been granted for the use of a cottage nearby (called Broadview) for residential accommodation for the school. This could accommodate 10 pupils. However, this is currently a private residence and won't be available for a few years. The school currently has the use of three dwellings within the site for residential use but these houses are not sufficient to accommodate 26 residential students, as required by the s106. The school need the additional day pupils until they are able to use Broadview for residential accommodation. The school also seeks the variation so that they can have more ability to fill places where there is a need.
- 6.3 WSCC Children, Adults, Families, Health and Education team support the application on the grounds that there is a high demand for day placements for such schools as this.
- 6.4 The day pupils would have to travel daily to the school and could come from adjoining counties. The school has commented that most day students arrive in twos in taxis. The majority of day students come from West Sussex and Surrey County. The school also has students from Hampshire, Bexhill and London. It is anticipated that the additional 10 day students will also come from these areas and will come and go via taxis.
- 6.5 It should be noted that there is no requirement in the current s106 agreement for those pupils who are resident on the owner's estate to have a Local Connection, and therefore these pupils may have their family home elsewhere in the country. The school, through their own stipulations, are required to house students as locally as possible but this is not always possible as a specialist facility such as this would draw its pupils from a wider area. Additionally, it is not feasible for students to reside at the adjacent care home as this facility is for adults with more profound disabilities than the children at the school.
- 6.6 The scheme would result in more vehicle movements to the site. However, these movements would be minimal in the context of the wider Rapkyns site and would not result in any severe highway impacts. On this basis, WSCC Highways have commented that they have no objection to the scheme in terms of highway considerations. Given the Obligations in the existing S106 and the comments from WSCC Highways an objection on the grounds of unsustainable location of development is therefore not supported by Officers.
- 6.7 The proposed modification to the S106 agreement to allow up to 18 non-residential day places is therefore considered appropriate. The modification would not result in any highway safety issues.
- 6.8 The proposal would also result in the optimum use of a new bespoke facility for specialist educational purposes. This would be in accordance with a high demand for day places at schools such as this, as advised by the WSCC Children, Adults, Families, Health and Education team. The proposed variation would therefore assist in meeting the need for day places generated by pupils living locally.

6.9 This proposal does not raise any other material planning considerations.

7. RECOMMENDATIONS

7.1 Permit the modification to Section 5.1.3 of S106 agreement (legal ref: PAG/997) attached to permission DC/13/1886 to allow no more than 18 non-residential day places offered to pupils who are not resident on the Owner's Estate at the school.

Background Papers: DC/13/1886