

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: KEW Planning
Temple Court
13A Cathedral Road
Cardiff
CF11 9HA

Application No: 210714
Application type: Variation of Condition

Applicant: The Abbey School

READING BOROUGH COUNCIL as Local Planning Authority hereby **REFUSE** planning permission for the development as described below:-

Proposal: Variation of conditions 6 (hedge height and density) and 13 (hours of floodlighting) of planning permission 120948 (for Development of an all weather playing field with floodlights and fencing), namely to remove section of hedge and replace with railings, pillars and brick wall and to increase the hours of use of floodlighting

At: The Abbey School 17 Kendrick Road Reading RG1 5DZ

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 1 March 2022



SDV

Head of Planning, Development
& Regulatory Services

Application At: The Abbey School 17 Kendrick Road Reading RG1 5DZ

Application No: 210714

Application type: Variation of Condition

REASONS

1. The proposed removal of a significant proportion of hedge and replacement with railings would noticeably detract from, and result in visual harm to, the verdant character and appearance of the area and would remove necessary screening from the playing field, fencing and lighting columns. The proposals would therefore fail to preserve or enhance the character and appearance of the Kendrick Road Conservation Area. This would be contrary to Policies EN1, EN3, CC7 and EN14 of the Reading Borough Local Plan 2019 and the NPPF.

2. The proposed removal of a significant proportion of hedge, which forms a priority habitat and lies within a designated Green Link, would have an adverse effect on wildlife and protected species. The proposals would therefore fail to maintain, protect, extend or enhance the green network or protect the priority habitat which would be contrary to Policies EN12 and EN14 of the Reading Borough Local Plan 2019 and the NPPF 2021.

3. The proposed increased hours of floodlighting would facilitate extended use of the sports pitch with consequent harm to the amenity of existing nearby residential properties due to associated additional noise, disturbance and light pollution. This would be contrary to Policies CC8 and EN16 of the Reading Borough Council Local Plan 2019 and the NPPF 2021.

4. The proposed increased hours of floodlighting would have an adverse effect on bat commuting routes with consequent harm to protected species. This would be contrary to Policy EN12 of the Reading Borough Local Plan 2019 and the NPPF 2021.

INFORMATIVES

1. The decision relates to the following drawings and documents:

Noise Assessment 22-020 by inacoustic

Date: 1 March 2022



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Received 15th February 2022
Floodlighting Report by Christy Lighting
Received 6th December 2021
Existing and Proposed Astro Elevations 200972-0515 P02
Astro Site Plan - Option E 200972-0517 P7
Received 1st December 2021
Astro Pitch Dead Tree Locations
Astro Pitch Tree Survey Data
Received 28th October 2021
Arboricultural Report 21152 dated September 2021 by Sylva Consultancy Received
24th September 2021
Preliminary Ecological Appraisal 3409 dated September 2021 by The Landmark
Practice
Received 7th September 2021
Preliminary Ecological Appraisal initial feedback by The Landmark Practice
Received 14th May 2021
Location Plan ASR 12/121
Site Location Plan 200972-1100 P01
Existing Site Plan - Zone 3 200972-0510 P05
Received 5th May 2021
Supporting Statement
Received 5th May 2021

2. The decision to refuse the variation of condition 6 and 13 follows the positive and proactive consideration of the application, including outlining the issues of concern with the agent of the applicant prior to a decision being issued. However, the applicant chose not to withdraw the application and hence the issuing of this refusal notice. Use of the Council's pre-application advice service can avoid the need to refuse planning permission. This scheme was not subject to pre- application planning advice.
3. For the avoidance of doubt the following elements are specifically excluded from this application:
New pavilion, new dropped kerb and new boundary treatment (on east side of Kendrick Road) as shown on the site plan
Additional parking as shown in the ecological appraisal

Date: 1 March 2022



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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits. If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.