

**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: Hampshire County Council Property
Services Dept
Three Minsters House
76 High Street
Winchester
SO23 8UL

Application No: 211399
Application type: Variation of Condition

Applicant: Reading Borough Council

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

Proposal: Redevelopment of school playing field to erect a mixed used educational centre to include special needs school, community uses and ancillary educational staff offices and conference facilities for the Reading Education Centre, incorporating new access road, parking and highway works with associated landscaping and re-provision of public open space without complying with condition 5 of planning permission 06/00253/REG3 (060436)

At: The Avenue School, The Avenue Centre Conwy Close Tilehurst Reading RG30 4BZ

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: 3 February 2022



Head of Planning, Development
& Regulatory Services

Application At: The Avenue School, The Avenue Centre, Conwy Close, Tilehurst, Reading RG30 4BZ

Application No: 211399

Application type: Variation of Condition

CONDITIONS & REASONS

1. Condition 1 - Implement within 3 years

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Condition 2 - approved plans

The development to which this permission relates shall be carried out in accordance with the approved plans and details before the building (s) are occupied.

Reason: to ensure the completion of the development in accordance with the approved plans and details before occupation of the building(s) takes place and in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

AMENDED Condition 3 - New Approved Plans shown in bold

This permission relates only to the application drawings, received by the Local Planning Authority on the date indicated in each case:

Y9223/PL 16 Landscape Masterplan 8 May 2006

ED5074-HCC-ZZ-XX-SK-A-0101 P6 PROPOSED SITE PLAN PARKING LAYOUT

ED5074-A-SK0120-SPACE ALLOCATION DIAGRAM - NEW FLOOR PLANS

PL07 Rev. D Proposed Roof Plan 2 March 2006

PL08 Rev. D Proposed Elevations 2 March 2006

PL09 Rev. D Proposed Sections 2 March 2006

PL17 Fencing Layout 2 March 2006

PL18 Fencing Details 2 March 2006

Reason: to clarify which plans are approved and to comply with Policy CC7 of the Reading Borough Local Plan (2019).

Condition 4 - materials

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, window frames and mortar colours and details of window and doorway reveals have been submitted to and approved in writing by the local planning

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authority. The development shall be carried out in accordance with the approved details.

Reason: as no details have been submitted and in the interests of the visual appearance of the building and the area and to be in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

AMENDED Condition 5 - restricted use

The building and associated land shall be used as a school and training facility, with community use of facilities, only and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: as a case has been made for permitting this particular use as an exception to Council policy; to enable the local planning authority to control the use of the building in relation to intensity of use and trip generation and to be in accordance with Policies OU1 and TR3 of the Reading Borough Local Plan (2019).

Condition 6 - disabled access

Prior to the commencement of development, there shall have been submitted to and approved in writing by the Local Planning Authority, details to demonstrate an acceptable standard of access for disabled persons, with no external areas exceed 1:20 gradient. Once approved, the development shall be implemented in accordance with the approved details.

Reason: in order to maintain a satisfactory standard of access for disabled people, in accordance with Policies CC6 and CC7 of the Reading Borough Local Plan (2019).

Condition 7 - play field time restriction

The area shown as playing field on the approved plans (including pitches and games area) shall not to be used outside the hours of 8am-9pm.

Reason: in order to control noise emanating from the school playing field, in the interests of the amenities of immediately adjoining neighbours, in accordance with Policy CC8 of the Reading Borough Local Plan (2019).

Condition 8 - lighting details

Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. Such details should relate to the external

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(hard-surface) areas of the development only and no floodlighting of the games area, pitches or playing field should be provided.

Reason: to provide an acceptable level of external lighting to provide security, whilst maintaining surrounding residential amenity and wildlife protection, in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan (2019).

Condition 9 - landscaping details required

No development shall take place until full details of both hard and soft landscaping, in accordance with the Landscape Masterplan, have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- (a) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, including permeable highway construction details, structures and ancillary objects (refuse bins, lighting columns etc); and
- (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc); and
- (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment and biodiversity areas); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.

Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

Condition 10 - tree protection

In this condition 'retained tree' means an existing tree which is to be retained in accordance with approved plans and particulars; and paragraphs a) and b) below shall have effect until one year from the date of occupation of the development hereby approved.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work)
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.
- c) The erection of fencing for the protection of any retained tree or trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site. Such protection as required by the above condition shall be retained throughout the entire period of construction and until all equipment, machinery and surplus materials have been

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removed from the site. No materials, soil, rubbish or vehicles shall be deposited or stored in any area fenced in accordance with this condition and no fires shall be lit, and no raising or lowering of ground levels shall take place within this area. No drains, pits, ditches or trenches shall be dug in or run across the area protected by the fencing, at any time before, during and after the development of the site, unless otherwise agreed in writing by the local planning authority.

d) A construction method statement for highways construction adjacent to retained trees including a "no dig" method of construction within the rooting area of the retained London Plane tree.

Reason: to ensure that proper protection is given to trees on the site and to comply with CC7 of the Reading Borough Local Plan (2019).

Condition 11 - CMS

No development to be commenced until a construction method statement and construction programme has been submitted to and approved by the local planning authority. The construction method statement and programme shall include details of:

- a) construction access routes from The Meadway in accordance with approved plan, PL02;
- b) the closure of existing access from Usk Road;
- c) the treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary
- d) the provision of a replacement car park for Church End School;
- e) the times, routes and means of access into the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway);
- f) the construction vehicle compound, site compound (including any site huts) and access;
- g) details of the areas to be used for loading and unloading and storage of plant and materials;
- h) means for the suppression of noise from the construction site;
- i) Measures to be used for the suppression of dust and dirt throughout the course of construction with no materials produced as a result of the site development or clearance to be burnt on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress;
- j) construction hours to be between 8am - 6pm Monday to Friday; 8am - 1pm Saturdays and not at all on Sundays or Bank Holidays without the prior written approval of the local planning authority;
- k) emergency contact details for adjacent residents;
- l) a scheme for recycling waste resulting from the construction programme;
- m) details of phasing of the construction programme; and

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n) the methods of supervision to ensure that workers have knowledge of the method statement and to ensure compliance with the method statement.

The approved Demolition & Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: as the site lies adjacent to residential properties, a public sports centre and a school that will remain operational during construction it is considered necessary to be able to ensure that unacceptable disturbance is not caused to residents and other neighbours and to comply with the requirements of policy CC8 of the Reading Borough Local Plan (2019).

Condition 12 - boundaries

Before any development is commenced details of all boundary treatments, including the retention of trees and shrubs on the boundaries to residential properties, shall be submitted for approval by the local planning authority. Thereafter the approved boundary treatment shall be installed before the approved development is available for use.

Reason: As these details have not yet been provided and in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

Condition 13 - archaeology

No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. Reason: to ensure that such archaeological material and evidence of significance should be examined during this development and in the interests of protecting the archaeological heritage of the district in accordance with Reading Borough Local Plan 2019 policies for preservation of Archaeological Sites.

Condition 14 - contaminated land - desk top

No development shall take place until a contaminated land Phase I report (Desk Top Study) shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the local planning authority.

Following approval of the Desk Top Study, a Phase II report (Site investigation) shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the local planning authority

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prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

Reason: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy of the Reading Borough Local Plan (2019).

Condition 15 - contamination phase 2

Following completion of the desk top study and site investigation required by the above condition, a remediation scheme to deal with any contaminants identified must be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remedial scheme must be carried out before the development commences unless otherwise agreed in writing by the local planning authority.

Should any unforeseen contamination be encountered during the development, the local planning authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the local planning authority in writing.

A Site Completion Report shall be submitted to, and approved in writing by, the local planning authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The construction of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the local planning authority upon completion of the development.

Reason: To enable to the local planning authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment in accordance with Policy of the Reading Borough Local Plan (2019).

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Condition 16 - air conditioning

Details of the location and design of proposed air conditioning units to be provided for approval and thereafter only the approved units are to be installed.

Reason: as such details have not yet been provided and in the interests of the design of the building and the amenity of neighbours in accordance with Policy CC7 & CC8 of the Reading Borough Local Plan (2019).

Condition 17 - chimneys

Details of the location and design of the proposed chimney/vent for the kitchen extractor are to be submitted for approval by the local planning authority and thereafter installed only as approved.

Reason: As these details have not yet been provided and in the interests of the design of the building and the amenity of neighbours in accordance with Policy CC7 & CC8 of the Reading Borough Local Plan (2019).

Condition 18 - fencing to pitches

Details of the location and design of fencing enclosing the play pitches are to be provided for approval and thereafter only the approved fencing shall be installed.

Reason: as such details have not yet been provided and in the interests of the appearance of the site and the amenity of neighbours in accordance with Policy CC7 the Reading Borough Local Plan (2019).

Condition 19 - cycle parking details

Secure, covered and lockable bicycle storage spaces shall be provided and equipped with secure cycle stands in accordance with a layout and details to be submitted to and approved in writing by the local planning authority before occupation of the dwellings to which they relate. This area shall not thereafter be used for any purpose other than bicycle parking and storage.

Reason: To encourage travel by sustainable alternatives to the motor car in accordance with Policies TR4 and TR5 of the Reading Borough Local Plan (2019).

Condition 20 - deliveries

No part of the building shall be occupied until space for vehicle parking and turning and deliveries has been provided in accordance with the approved drawing. This area shall not thereafter be used for any purpose other than parking and turning for deliveries.

Reason: To ensure that the development is provided with adequate parking and turning facilities in accordance with Policy TR3 Reading Borough Local Plan (2019).

Condition 21 - security

The building shall not be occupied until a scheme of security measures for the car parking and external areas (including CCTV) has been submitted for approval and the

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approved scheme has been made operational. Thereafter the approved security scheme shall be maintained.

Reason: To ensure that the development is provided with adequate security facilities in accordance with policy CC7 of the Reading Borough Local Plan (2019).

Condition 22 - noise

No sound reproduction or amplification equipment which conveys messages by voice or otherwise (including public address systems or loudspeakers) that is audible outside the site boundary shall be installed or operated on the site without the prior written consent of the local planning authority.

Reason: to protect the occupants of nearby residential property from noise disturbance and in accordance with policies CC8 of the Reading Borough Local Plan (2019).

Condition 23 - bin store details

Full details of bin storage areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development hereby approved. Bin storage shall be carried out and retained in accordance with the agreed information and made available prior to the first occupation of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: as not details have been submitted and in accordance with the requirements of policy CC7 of the Reading Borough Local Plan (2019).

Condition 24 - car barrier

The parking area to the south of the access road from the point marked "automated traffic barrier", as shown on the approved plans shall not be used for the parking of vehicles until such time as this barrier is brought into operation. An automatic barrier shall thereafter be retained in this position.

Reason: in order to control the level of parking in the area to the south of the barrier and to discourage pick-up/set-down of pupils by car, to encourage alternative means of accessing this area than the private car, in accordance with policies TR3 and TR5 of the Reading Borough Local Plan (2019).

NEW Condition 25. Vehicle Parking as Specified

The proposed new use of floor area hereby permitted shall not commence until all vehicle parking space(s) have been provided in accordance with the plan ED5074-HCC-ZZ-XX-SK-A-0101 P6 PROPOSED SITE PLAN PARKING LAYOUT hereby approved.

REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking in adjacent streets which could be a nuisance and a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

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NEW Condition 26. Car Park Management Plan

Prior to first occupation of the amended layout of the school hereby approved measures shall be put in place to ensure that staff and visitors are aware of the Car Park Management Plan (CPMP) comprising the AVENUE SCHOOL CAR PARKING POLICY DATED: January 2022 and the Parking Layout (ED5074-HCC-ZZ-XX-SK-A-0101 P6), which together provide full details of how the allocation of the car parking spaces for staff and visitors has been calculated and provided. Thereafter the approved CPMP shall be implemented in full and for the lifetime of the development.

REASON: In the interest of the safety and convenience of all highway users in accordance with TR5 of the Reading Local Plan 2019.

NEW Condition 27. Travel Plan Review

On the first anniversary of the approved Travel Plan and annually thereafter, a review of the Travel Plan shall be submitted to and approved by the Local Planning Authority. This shall include a detailed survey of the number of movements generated by the school and shall be compared with the initial survey carried out June 2021 and updated in January 2022. This shall be the control level and in the event of any reduction in car parking demand not being secured the School shall engage with the Local Planning Authority to explore as necessary how to achieve a reduction in the number of car borne trips to the site.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with TR1 of the Reading Local Plan 2019.

NEW Condition 28. Electric Charging Points

The increased use of the site by the school hereby approved shall not commence until a minimum of ten percent of all vehicle parking spaces in control of the school have been provided with electric vehicle charging points. The spaces shall be maintained for vehicle charging in at all times thereafter.

REASON: In the interests of environmentally sustainable transport in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

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INFORMATIVES

1. Officers have worked positively and proactively to resolve matters that arose from this proposed variation to allow a planning permission to be issued within a timeframe agreed by the applicant.
2. When issuing a decision for a variation to an original planning permission it has the effect of issuing a new planning permission and for this reasons all of the previously imposed conditions are set out above in addition to new conditions deemed necessary to enable the proposed change to be acceptable in planning terms and the context of the current adopted Reading Borough Local Plan 2019.

Accordingly it can be confirmed that:

The following conditions have been met:

1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 17, 18

The following conditions continue to apply:

7, 8, 16, 19, 20, 21, 22, 23, 24

The following conditions are amended or new:

3, 5, 25, 26, 27, 28

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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.